





South Carolina. Convention, 1832-1833.

**PROCEEDINGS**  
OF THE  
**CONVENTION OF SOUTH CAROLINA**  
UPON THE  
SUBJECT OF  
**NULLIFICATION;**  
INCLUDING THE  
Remarks of Governor Hamilton,  
ON TAKING THE PRESIDENT'S CHAIR;  
**THE ORDINANCE**  
**NULLIFYING THE TARIFF LAWS.**  
AND THE REPORT WHICH ACCOMPANIED IT;  
AN ADDRESS  
To the People of the United States;  
AN ADDRESS  
**TO THE PEOPLE OF SOUTH CAROLINA,**  
**&C. &C.**

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MARGARET W. CUSHING  
JAN. 26, 1938

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In pursuance of an act passed at the late extra session of the Legislature, the Convention of South Carolina assembled at Columbia on Monday, the 19th of November, when Gov. JAMES HAMILTON, Jr. was duly elected to preside over its deliberations, and Isaac W. Hayne, Esq. was appointed Clerk. Governor Hamilton, on taking the chair, addressed the Convention in the following terms:—

“On looking around this assembly and seeing of whom and by whom it is composed, no impulse of self-love could lead me to attribute the flattering and distinguished honor I have just received, to any thing else than the high and responsible station I at present fill. When I see so many individuals, whose experience is more mature, and whose claims are paramount to my own, I can attribute the selection to no other cause.

“I am, nevertheless, deeply penetrated, gentlemen, by a sense of your kindness, as well as my own responsibility. A crisis of no common character—no ordinary occasion has brought us together. The most solemn duties which can be obligatory on citizens of a free and sovereign State have compelled us to assemble, and the highest and most enduring results will succeed the manly and inflexible discharge of those duties.

“It is scarcely a solecism under our form of Government, to say that here are the PEOPLE. This is the concentration of their sovereignty. The people have, through the instrumentality of an intermediate class of their agents, determined that a Convention should be called. The act was passed in a spirit of wisdom and of discretion, and we are convened, under a solemn injunction from the people, to take into consideration the several acts of the Congress of the United States, imposing duties for the protection of American Manufactures, considered by the people of South Carolina as infringements of their rights, and violations of the Constitution, and to devise the mode and measure of redress. These are our duties, and while we endeavour to discharge them in a spirit of enlightened moderation, and an inflexible determination to preserve the greatest courtesy and urbanity, let us recollect that there is also a high moral courage, requisite in their faithful performance. If then there is and belongs to political bodies an enlarged forecast, and a courage inspired by the dignity of the occasion, let us, in the language of the immortal martyr to constitutional liberty, “put on athletic habits for the contest,” and nerve our souls to the struggle.

“Gentlemen, I shall be often compelled to throw myself on your indulgence. This is the first occasion that I have been called upon to preside over a deliberative body. All I can do is to pledge my best endeavours to maintain decorum, and to secure all the latitude of debate consistent with our well known parliamentary rules.

“Permit me to say, that ours is no ordinary position. We have all the uncontested power attributed to Sovereign States. Ours is the first Convention for reviewing the terms and conditions of the Federal compact—not for the purpose of reviewing our State Constitution, but to decide upon high and ulterior questions of Sovereignty, of indispensable importance, and of lasting consequences, either for benefit or injury to the citizens of our State. These circumstances, under which we are at present convened, are a commentary upon the safety and beauty of our Constitution and form of government. In other countries, if we should be thus assembled, we should be obnoxious to the charge of an attempt to change the elements of government, and to overthrow the social system from its foundation. But with us the meeting of this assembly disturbs nothing else. Here, every thing goes on with the harmony and tranquillity of the spheres themselves.

“In conclusion, permit me to say, that in taking the matter under consideration submitted to you, my anxious prayer is that your deliberations may tend to establish our own liberties, to maintain the rights and privileges of our own people, and with this to give stability to the Union; to restore to us our altars and firesides, the harmony and affection out of which the Union sprung, and which are its best safeguard and protection. With these remarks, I proceed to discharge the duties you have entrusted to me.”

The President was requested to invite the Clergy of Columbia to open the proceedings of each day with prayer; a committee was appointed to prepare rules and orders for the government of the Convention; and other preliminary proceedings were adopted. The following resolution was then submitted by Judge Colcock :—

*Resolved*, That the act to provide for the calling of a Convention of the people of this State, be referred to a select committee, consisting of twenty-one members, to be nominated by the President, with instructions to report thereon, and especially as to the measures proper to be adopted by this Convention in reference to “the violation of the Constitution of the United States, in the enactment by Congress, on divers occasions, of laws laying duties and imposts, for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes.”

This resolution was adopted. And in order to give the President time to appoint the Committee, the Convention adjourned till Tuesday, at 10 o’clock.

On Tuesday, the 20th, the deliberations of the day were opened by a prayer from the Rev. Mr. Ray, a member of the Convention. Rules and orders were

then reported, and adopted. The second rule was in the following words:—

“If any member shall break the Convention, or absent himself without leave, he shall be sent for at his own expense, and be subject to the censure of the Convention.”

The President reported the following gentlemen as the special committee, to report upon the matters designated in the act for the calling of a convention:—Judge C. J. Colcock, Gen. J. B. Earle, Judge Wm Harper, Judge John B. O’Neale, Hon. R. Y Hayne, Hon. J. K. Griffin, Benj. Rogers, James R. Ervin, Col. Jacob Bond I’On, Pierce M. Butler, Col. Wm. C. Pinckney, Hon. Stephen D. Miller, Judge J. Johnston, Hon. George M’Duffie, Henry Middleton, Robert J. Turnbull, Hon. Robert W. Barnwell, C. Richard, J. Manning, T. D. Singleton, sen, Jas. A. Black, John Bausket.

Judge Colcock moved, that in order to give the committee time to prepare the very laborious report that it would be necessary that they should make, the Convention adjourn to 1 o’clock, P. M. of Wednesday. It was so carried,

The special committee immediately assembled in the Senate chamber. Mr. Turnbull rose to suggest, that as so large a committee was too unwieldy for the despatch of business, a sub-committee be appointed, with instructions to report the several papers that it will be necessary to prepare, viz.: An Ordinance declaring the Tariff Act null and void; an Address of this Convention to the People of the United States, and an Exposition of the proceedings of this State.

The Resolution was adopted, and the following gentlemen appointed by the chair:—Messrs. Turnbull, Harper, Hayne, McDuffie, I’On, Pinckney and Johnston. On motion, the chairman, (Judge Colcock,) was added to the committee.

The committee then adjourned until 11 o’clock of the following day, (Wednesday,) and the sub-committee went immediately into private session.

On Wednesday, the 22d, the Convention met pursuant to adjournment. Mr. Earle, from the special committee appointed on the previous day, stated that that Committee had not found it practicable to prepare their report, and asked further time, which was granted. The Convention then adjourned to Thursday morning.

On Thursday, the Committee made the following Report, accompanied by a “solemn Declaration and Ordinance,” all of which were adopted with great unanimity and ordered to be printed:—

## REPORT.

The committee to whom was referred “the act to provide for the calling of a Convention of the people of this State,” with instructions to “consider and report thereon, and especially as to the measure proper to be adopted by the Convention, in reference to the violation of the Constitution of the

United States, in the enactment by Congress, on divers occasions, of laws laying duties and imposts for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes," beg leave respectfully to submit the following REPORT.

The committee, deeply impressed with the importance of the questions submitted to them, and the weight of responsibility involved in their decision, have given to the subject their most deliberate and anxious consideration. In stating the conclusions to which they have arrived, they feel that it is due to themselves, to this Convention, and the public at large, briefly to review the history of the protecting system in this country, to show its origin, to trace its progress, to examine its character, point out its evils, and suggest the appropriate remedy. They propose to execute this task with all possible brevity and simplicity, sensible that the subject is too well understood in all its bearings to require at this time a very elaborate investigation.

In the natural course of human affairs, the period would have been very remote when the people of the United States would have engaged in manufactures, but for the restrictions upon our commerce which grew out of the war between Great Britain and France, and which led to the non-intercourse act, the embargo, and finally our own war of 1812. Cut off by these events from a free commercial intercourse with the rest of the world, the people of the United States turned their attention to manufactures, and on the restoration of peace in 1815, an amount of capital had been already invested in these establishments which made a strong appeal to the liberality—we might almost say to the justice of the country for protection; at least against that *sudden influx* of foreign goods which it was feared would entirely overwhelm these domestic establishments. When, therefore, in 1816, it became necessary that the revenue should be brought down to the peace establishment, by a reduction of the duties upon imports, it was almost by common consent conceded to the claims of the manufacturers, that this reduction should be *gradual*, and three years were accordingly allowed for bringing down the duties to the permanent revenue standard, which, embracing all the ordinary expenses of the Government; with liberal appropriations for the navy and the army, an extensive system of fortifications, and the gradual extinction of the public debt (then amounting to \$130,000,000,) was fixed at 20 per cent. If the manufacturers had at that time even hinted that permanent protection was deemed indispensable to their success: if the slightest suspicion had been entertained, that instead of the gradual reduction expressly provided for by the act of 1816, there would be claimed a *gradual increase* of the protecting duties, and that instead of being brought down in three years to 20 per cent., the duties were to be carried up to 50 or 100 per cent., and, in many cases, to prohibition, the painful contest in which the country has been engaged for the

last ten years on this subject, would have commenced immediately, and it is confidently believed that in the temper of the public mind at that time, ample security would have been found against the introduction of such a system. But in defiance of the clear understanding of the whole country, and in violation of the principles of justice and of good faith, that part of the act above mentioned which required that the duties should be reduced in three years to 20 per cent. was repealed, and a broad foundation thus laid for the permanent establishment of the protecting system.

The system has been still further extended and fortified by the several successive acts of 1820, 1824, and 1828, until by the passing of the act of 1832 (to take effect after the discharge of the public debt) it has been become more incorporated into our political system, as the "SETTLED POLICY OF THE COUNTRY." We have not deemed it necessary, in tracing the origin and progress of this system, to go further back than the commercial restrictions which preceded the late war—for whatever theoretical opinions may have been expressed by Alexander Hamilton and others in relation to it at an earlier period, it cannot be denied that no duties were actually imposed beyond those deemed indispensable for the public exigencies, and that prior to the year 1816 no protection whatever was actually extended to manufactures, beyond what was strictly incidental to a system for revenue. The *discrimination* between the *protected* and *unprotected* articles now contended for as the very corner stone of the protecting system, was so far from being established by that act, that the highest duties were actually imposed on the very articles now admitted duty free, while the foreign manufactures which came into competition with our domestic fabrics were subjected to the lowest rate of duty. The truth then unquestionably is, that the protecting policy, according to the principles now contended for, was never introduced into this country until the period we have mentioned, when it crept insidiously into the legislation of Congress in the manner above described. This will be made abundantly manifest to every one who will take the pains to trace the progress of the duties from  $7\frac{1}{2}$  per cent. in 1790, up to 25 per cent. in 1816: 40 per cent. in 1824, and 50—60, and even 100 per cent. in 1828 and 1832, and who will merely examine the manner in which these duties were adjusted in the various acts here referred to. As early as 1820, so soon indeed as the capitalists who had relied upon the powers of the Federal Government to enhance the profits of their investments by legislation, began to look forward to its eventual establishment as the settled policy of the country—they clearly perceived that an extension of the appropriations to objects not embraced in the specific grants of the Federal Constitution was the necessary appendage of their system. They well knew that the people would not long submit to the levying of a large surplus revenue merely for the protection of manufactures, carried on almost exclusively in one quarter of the Union—and they

therefore sought, in the extension of the appropriations to new objects, for a plausible and popular excuse for the continuance of a system of high duties. With that instinctive sagacity, which belongs to men who convert the Legislature of a country into an instrument for the promotion of their own private ends, they clearly saw that the distribution of an enormous surplus treasure, would afford the surest means of bringing over the enemies of the American system to its support, and of enlisting in their cause not only large masses of the people, but entire States who had no direct interest in maintaining the protecting system, or who were even, in some respects, its victims. No scheme that the wit of man could possibly have devised, was better calculated for the accomplishment of the object. It proposed simply to reconcile men to an unjust system of national policy, by admitting them to a large share of the spoils; in a word, to levy contributions, by the aid of those who were to divide the plunder.

If the United States had constituted one great nation, with a consolidated Government, occupying a territory of limited extent, inhabited by a people engaged in similar pursuits, and having homogeneous interests, such a system would have operated as a tax upon all the other great interests of the State for the benefit of that which was favored by the laws, and when time had been allowed for the adjustment of society, to this new condition of its affairs, the final result must have been, an aggregate diminution of the profits of the whole community, by diverting a portion of the people from their accustomed employments, to less profitable pursuits. In such a case, the hope might, perhaps, have been indulged that experience would demonstrate the egregious folly of enacting laws, the only effect of which would be to supply the wants of the community at an increased expense of labor and capital. But it is the distinguishing feature of the American system, and one which stamps upon it the character of peculiar and aggravated oppression, that is made applicable to a confederacy of twenty-four sovereign and independent States, occupying a territory upwards of two thousand miles in extent, embracing every variety of soil, climate and productions, inhabited by a people whose institutions and interests are in many respects diametrically opposed to each other, with habits and pursuits infinitely diversified, and in the great southern section of the Union, rendered by local circumstances altogether incapable of change. Under such circumstances, a system which, under a consolidated Government, would be merely impolitic, and so far, an act of injustice to the whole community, becomes in this country a scheme of the most intolerable oppression, because it may be, and in fact has been, *so adjusted* as to operate exclusively to the benefit of particular sections of country, rendering in effect the industry of one portion of the confederacy tributary to the rest. The laws have accordingly been so framed as to give a direct pecuniary interest to a sectional majority, in maintaining a grand

system by which taxes are in effect imposed upon the few, for the benefit of the many, and imposed, too, by a system of indirect taxation, so artfully contrived as to escape the vigilance of the common eye, and masked under such ingenious devices as to make it extremely difficult to detect and expose their true character. Thus, under the pretext of imposing duties for the payment of the debt, and providing for the common defence and general welfare, (powers expressly conferred on the Federal Government by the Constitution,) acts are passed containing provisions designed exclusively and avowedly for the purpose of securing to the American manufacturers a monopoly in our own markets, to the great and manifest prejudice of those who furnish the agricultural productions which are exchanged in foreign markets for the very articles which it is the avowed object of these laws to exclude. It so happens, that six of the southern States, whose industry is almost exclusively agricultural, though embracing a population equal to only one-third part of the whole Union, actually produce for exportation forty millions annually, being two-thirds of the whole domestic exports of the United States. As it is their interest, so it is, unquestionably, their right to carry these fruits of their own honest industry, to the best market, without any molestation, hindrance, or restraint, whatsoever, and subject to no taxes or other charges, but such as may be necessary for the payment of the reasonable expenses of the Government. But how does this system operate upon our industry? While imposts to the amount of ten or twelve per cent. (if arranged on just and equal principles) must be admitted to be fully adequate to all the legitimate purposes of Government, duties are actually imposed (with a few inconsiderable exceptions) upon all the woollens, cottons, iron, and manufactures of iron, sugar and salt; and almost every other article received in exchange for the cotton, rice, and tobacco, of the south, equal on an average to about fifty per cent., whereby, (in addition to the injurious effects of this system in prohibiting some articles, and discouraging the introduction of others,) a tax equal to one half of the first cost is imposed upon the cottons, woollens, and iron, which are the fruits of southern industry, in order to secure an advantage in the home market, to their rivals, the American manufacturers of similar articles, equivalent to one half of their value, thereby stimulating the industry of the north, and discouraging that of the south, by granting bounties to the one, and imposing taxes upon the other.

The committee deem it unnecessary to go into an elaborate examination of the true character and sectional operation of the protecting system. The subject has of late been so frequently and thoroughly examined, and the bearing of the system been so completely exposed, that the argument is exhausted. To the people of the southern States, there cannot be presented a more touching or irresistible appeal either to their understandings or

their hearts, than is found in the melancholy memorials of ruin and decay, which are every where visible around us—memorials proclaiming the fatal character of that system which has brought upon one of the finest portions of the globe, in the full vigor of its early manhood, the poverty and desolation which belong only to the most sterile regions, or to the old age and decrepitude of nations. The moral blight and pestilence of unwise and partial legislation has swept over our fields with “the besom of destruction.” The proofs are every where around us.

It is in vain for any one to contend that this is a just and equal system, or that the northern States pay, as consumers, a full proportion of the tax ; if this were so, how is it to be accounted for that high duties are regarded in that quarter of the Union, not as a burden, but as a blessing ? How comes it, that a people, certainly not unmindful of their interests, are seen courting the imposition of taxes, and crying out against any reduction of the public burdens ? Does not this extraordinary fact afford conclusive evidence that high duties operate as a bounty to northern industry ; and that whatever taxes the manufacturer may pay, as consumers, they are more than remunerated by the advantage they enjoy as producers ? or, in other words, that they actually receive more than they pay, and, therefore, cannot be justly said to be taxed at all. When, in addition to all this, we take into consideration that the amount of duties annually levied for the protection of manufactures, beyond the necessary wants of the Government, (which cannot be estimated at less than 10 or 12,000,000,) is expended almost exclusively in the northern portion of the Union, can it excite any surprise, that, under the operation of the protecting system, the manufacturing States should be constantly increasing in riches, and growing in strength, with an inhospitable climate and barren soil, while the southern States, the natural garden of America, should be rapidly falling into decay. It is contrary to the general order of Providence, that any country should long bear up against a system, by which enormous contributions, raised in one quarter, are systematically expended in another. If the \$16,000,000 now annually levied in duties on the foreign goods received in exchange for southern productions, were allowed to remain in the pockets of the people, or by some just and equal system of appropriation, could be restored to them, the condition of the plantation States would unquestionably be one of unexampled prosperity and happiness. Such was our condition under a system of free trade, and such would soon again be our enviable lot. Of the results which would thereby be produced, some faint conception may be formed by imagining what would be the effect upon the industry of the people of our own State, if the 8,000,000 of foreign goods now annually received in exchange for our productions, and paying duties to the amount of upwards of 3,000,000, could be obtained by us duty free ; or, the duties thus levied, were expended within our own limits. Is it not ob-

vious that several millions per annum would be added to the available industry of South Carolina, the effect of which would assuredly be to change the entire face of affairs in this State, by enhancing the profits of the agriculturist, accumulating capital, giving fresh impulse to commerce, and producing a vivifying influence upon every department of industry, the happy consequences of which would be experienced by every inhabitant of the State. We present this strong view of the subject to show the manifest justice of the claim which South Carolina now sets up, to have this system of raising revenue by duties upon imports restricted within the narrowest limits, and to show how utterly impossible it is for us to consent to have it extended beyond the indispensable wants of the Government, either for the purpose of affording protection to the industry of the other, or of distributing the proceeds among individuals or States.

Grievous, however, as the oppression unquestionably is, and calculated in the strong language of our own legislature, "to reduce the Plantation States to poverty and utter desolation," it is not in this aspect that the question is presented in its most dangerous and alarming form. It is not merely that Congress have resorted for unwarrantable purposes to an oppressive exercise of powers granted to them by the Constitution, but that they have usurped a power not granted, and have justified that usurpation on principles which, if sanctioned or submitted to, must entirely change the character of the Government, reduce the Constitution to a dead letter, and on the ruins of our confederated republic erect a consolidated despotism, "without limitation of powers." If this be so, there is no man who is worthy of the precious heritage of liberty derived from our ancestors, or who values the free institutions of his country, who must not tremble for the cause of freedom, not only in this country, but throughout the world, unless the most prompt and efficient measures are at once adopted to arrest the downward course of our political affairs, to stay the hand of oppression, to restore the Constitution to its original principles, and thereby to perpetuate the Union.

It cannot be denied that the Government of the United States possesses no inherent powers. It was called into being by the States. The States not only created it, but conferred upon it all its powers, and prescribed its limits by a written charter called the Constitution of the United States. Before the Federal Government had thus been called into being, the several States unquestionably possessed as full sovereignty, and were as independent of each other as the most powerful nations of the world, and in the free and undisputed exercise of that sovereignty, they entered into a solemn compact with each other, by which it was provided, that for certain specified objects, a General Government should be established with strict limited powers not expressly granted to the Federal Government.

In the clear and emphatic language of Mr. Jefferson, "the sev-

eral States composing the United States of America, are not united on the principle of unlimited submission to the General Government, but by a compact under the style and title of the Constitution of the United States, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force." That such is the true nature of the Federal compact, cannot admit of a reasonable doubt, and it follows of necessity that the Federal Government is merely a joint agency, created by the States—that it can exert no power not expressly granted by them, and that when it claims any power, it must be able to refer to the clause in the charter which confers it. This view of the Constitution of the U. States brings the question of the constitutionality of the tariff within the narrowest limits.

The regulation of *domestic industry*, so far as Government may rightfully interfere therewith, belonged to the several States before the Constitution was adopted, or the Union sprang into existence; and it still remains exclusively with them, unless it has been expressly granted to the Federal Government. If such a grant has been made, it is incumbent on those claiming, under it, to point out the provision in the Constitution which confers it. It must be admitted that there is not a clause or article in that instrument, which has the slightest allusion either to manufactures or to agriculture; while, therefore, the "regulation of commerce" is expressly conferred on the General Government, the regulation of every branch of domestic industry is reserved to the several States, exclusively, who may afford them encouragement, by pecuniary bounties, and by all other means, not inconsistent with the Constitution of the United States. To say that the power to regulate commerce embraces the regulation of agriculture and manufactures, and all the other pursuits of industry, (for they all stand upon the same footing) is to confound the plainest distinctions, and to lose sight of the true meaning and intent of the grant in question.—Commerce is, in general, regulated by treaties with foreign nations; and, therefore, it was deemed necessary that this power should be confided to the General Government; but agriculture, manufactures, and the mechanic arts, can only be wisely ordered by municipal regulation. Commerce is one object of legislation, manufactures another, agriculture a third; and if the regulation of commerce implies an unlimited control over every thing which constitutes the object of commerce, it would follow, as a matter of course, that the Federal Government may exert a supreme dominion over the whole labor and capital of the country, and this would transform our confederated Government, with strictly limited powers, into an absolute despotism, and of the worst sort, where, under the forms of a free Government, we should have the spirit of a despot-

ic one. This view of the subject we should deem perfectly conclusive, even if it could not be shown that the power in question, so far from being granted, was purposely withheld from the Federal Government, by the framers of the Constitution ; and that there are several provisions of the Constitution, from which it may be fairly inferred, that it was expressly intended to be reserved to the States respectively. It appears from the history of the proceedings of the Convention which framed the Constitution, that the subject of the protection of manufactures was several times brought distinctly to the view of that body ; and that they did not see fit to grant to the Federal Government the power in question. In the original proposition to confer on Congress the power to impose “duties, imposts, and excises,” was embraced “*prohibitions and restraints*,” which may well be supposed to be intended to embrace the protection of manufactures ; but it is remarkable, that these words were omitted in the report of the Committee, on that clause. On the 18th of August a motion was made “to establish rewards and immunities, for the promotion of agriculture, commerce, trades, and *manufactures* ;” but this proposition also failed. On a subsequent day, it was moved that there should be a “Secretary of Domestic Affairs, &c., whose duty it should be to attend to matters of general police, the state of agriculture and manufactures, the opening of roads and navigation, and facilitating of intercourse through the United States ; and that he shall, from time to time, recommend such measures and establishments as may tend to promote these objects.” This proposition likewise failed, the Constitution containing no provision in conformity therewith.

Now, as it is utterly impossible, that these several propositions embracing imposts, duties, prohibitions and restraints, and the encouragement of manufactures, could have been disposed of, without bringing the whole question of domestic manufactures fully into view—it must follow, that as no power was given to Congress over manufacturers, while the power to regulate commerce is expressly conferred, it was not the intention of the framers of the Constitution to entrust this power to Congress. Although repeatedly urged to confer such power, they constantly refused it ; and the Constitution, as finally ratified, contains no provision, whatever, upon the subject. In the report of Luther Martin, a delegate from Maryland, made to the legislature of his State, an explanation is given of the proceedings of the Convention, in relation to this matter, which removes every shadow of doubt, with regard to the true meaning and intent of the framers of the Constitution, in relation to the protection of manufactures. It appears from this statement, that, as the encouragement of manufactures had been refused to be conferred upon the Federal Government, it was the desire of Mr. Martin and others, to reserve to the States all the means which they suppose necessary for affording effectual encouragement to manufactures within their limits. Among those

it was presumed “that there might be cases in which it would be proper for the purpose of encouraging manufactures to lay duties to prohibit the exportation of raw materials, and even in addition to the duties laid by Congress on imports for the sake of revenue, to lay a duty to discourage the importation of particular articles, into a State, or to enable a manufacturer here to supply us on as good terms as could be obtained from a foreign market.” Here it will be seen that it is positively stated by Mr. Martin that the power given to Congress to impose duties upon imports was given expressly “*for the sake of revenue*,” and was not considered as extending to any duty to discourage the importation of particular articles, for the purpose of encouraging manufactures, and that it was considered that unless the several States should possess this power as well as that of prohibiting the exportation of certain raw materials, they would not be enabled to extend that complete protection to their own manufacturers which might be deemed indispensable to their success. “The most, however,” says Mr. Martin, “which we could obtain was, that this power might be exercised by the States, by and with the consent of Congress and subject to its control.” Thus, then, it manifestly appears, that in relation to manufactures, the framers of the Constitution positively refused to confer upon the Federal Government any power whatever;—that the power to lay duties, &c., was conferred for the sake of revenue alone, and was not intended to embrace the power to lay duties “to discourage the importation of particular articles to enable the manufacturers here to supply us on as good terms as could be obtained from a foreign market;” and finally, that the whole subject was left in the hands of the several States, with the restriction, “that no State shall, without the consent of Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing their inspection laws,” which power, it appears, was expressly inserted for the purpose of enabling the States to protect their own manufactures, and that this was the only provision which the friends of domestic industry could obtain. It is vain to allege that the powers retained by the States on the subject, are inadequate to the effectual accomplishment of the object. If this were so it would only show the necessity of some further provision on this subject—but surely it will not be pretended that it would justify the usurpation by Congress of a power, not only not granted by the Constitution but purposely withheld. We think, however, that this exposition of the Constitution places the protection of manufactures on the true foundation on which it should stand in such a Government as ours. Nothing can be more monstrous than that the industry of one or more States in this confederacy should be made profitable at the expense of others, and this must be the inevitable result of any scheme of legislation by the General Government, calculated to promote manufactures by restrictions upon commerce or agriculture.

Whereas, by leaving manufactures where agriculture and other domestic pursuits have been wisely left by the Constitution—with the several States—ample security is furnished that no preference will be given to one pursuit over another; and if it should be deemed advisable in any particular State to extend encouragement to manufactures, either by direct appropriation of money, or in the way pointed out in the article of the Constitution above quoted, that this will be done not at the expense of the rest of the Union, but of the particular State whose citizens are to derive the advantages of those pursuits. Should Massachusetts, for instance, find it to her advantage to engage in the manufacture of woollens or cottons, or Pennsylvania be desirous of encouraging the working of her iron mines, let those States grant bounties out of their own treasuries, to the persons engaged in these pursuits, and should it be deemed advisable to encourage their manufactures by duties, discouraging the importation of similar articles in these respective States, let them make an application to Congress, whose consent would doubtless be readily given to any acts of those States, having these objects in view. The manufacturers of Massachusetts and Pennsylvania would thus be encouraged at the expense of the people of these States respectively. But if they claim to do more than this—to encourage their industry at the expense of the industry of the people of the other States, to promote the manufactures of the north at the expense of the agriculture of the south, by restrictions upon commerce—in a word to secure a monopoly for their manufactures not only in their own market, but throughout the United States, then we say that the claim is unjust, and cannot be granted consistently with the principles of the Constitution, or the great ends of a confederated Government. We shall not stop to inquire whether, as has been urged with great force, that provision of the Constitution, which confers the power upon Congress “to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries,” does not, by a necessary implication, deny to Congress the power of promoting the useful arts (which include both agriculture and manufactures) by any other means than those here specified. It is sufficient for our purpose to show that the power of promoting manufactures as a distinct substantive object of legislation has no where been granted to Congress. As to the incidental protection that may be derived from the rightful exercise of the power, either of regulating commerce, or of imposing taxes, duties, and imposts, for the legitimate purposes of government—this certainly may be as freely enjoyed by manufacturers as it must be by every other branch of domestic industry. But as the power to regulate commerce, conferred expressly for its security, cannot be fairly exerted for its destruction, so neither can it be perverted to the purpose of building up manufacturing establishments—an object entirely beyond the jurisdiction of the Federal Government. So, also, the power

to levy taxes, duties, imposts, excises, and expressly for the given purpose of raising revenue, cannot be used for the discouragement of importations, for the purpose of promoting manufactures, without a gross and palpable violation of the plain meaning and intent of the federal compact. Acts may be passed on these subjects falsely purporting, on their face, to have been enacted for the purposes of raising revenue and regulating commerce. But if in truth, they are designed (as the acts of 1824, 1828, and 1832, confessedly and avowedly have been,) for an entirely different purpose, viz: for the encouragement and promotion of manufactures, the violation of the Constitution is not less gross, deliberate, and palpable, because it assumes the most dangerous of all forms, *a violation by perversion*, the use of a power granted for one purpose for another and a different purpose, in relation to which, Congress has no power to act at all. On the whole, even from the very brief and imperfect view which we have here taken of this subject, we think we have demonstrated that the protecting system is as gross and palpable a violation of the Constitution, according to its true spirit, intent and meaning, as it is unquestionably unequal, oppressive, and unjust in its bearing upon the great interest of the country, and the several sections of the Union.

But great as are the evils of the American system, fatal as it assuredly must be to the prosperity of a large portion of the Union, and gross as is the violation of the letter and spirit of the constitution it perpetrates, the consequences which must inevitably result from the establishment of the pernicious principles on which it is founded, are evils of still greater magnitude. An entire change in the character of the Government is the natural and necessary consequence of the application to the Constitution of those latitudinous rules of construction from which this system derives its existence, and which must "consolidate the States by degrees into one sovereignty; the obvious tendency and inevitable result of which would be to transform the present representative system of the United States into a monarchy."

We fearlessly appeal to all considerate men, whether it be in the nature of things possible to hold together such a confederacy as ours, by any means short of a military despotism, after it has degenerated into a consolidated Government—that is to say after it shall come to be its established policy to exercise a general legislative control over the interests and pursuits of the whole American people.

Can any man be so infatuated as to believe that Congress could regulate wisely the whole labor and capital of this vast confederacy? Would it not be a burden too grievous to be borne, that a great central Government, necessarily ignorant of the condition of the remote parts of the country, and regardless perhaps of their prosperity, should undertake to interfere with their domestic pursuits, to control their labor, regulate their property, and to treat them in all respects as dependant colonies, governed not with reference to

their own interests but the interests of others? If such a state of things must be admitted to be altogether intolerable, we confidently appeal to the sober judgment of every man who values our free institutions and desires to preserve them—whether the progress of the Government towards this result, has not of late years been rapid and alarming; and whether if the downward course of our affairs cannot be at once arrested—the consummation of this system is not at hand? No sooner had Congress assumed the power of building up manufactures by successive tariffs—calculated and intended to drive men from agriculture and commerce into more favored pursuits—than internal improvements sprung at once into vigorous existence. Pensions have been enlarged to an extent not only before unknown in any civilized country, but they have been established on such principles as manifest the settled purpose of bestowing the public treasure in gratuities to particular classes of persons in particular sections of the country. Roads and canals have been commenced, and surveys made in certain quarters of the Union, on a scale of magnificence, which evinces a like determination to distribute the public wealth into new and favored channels; and it is in entire accordance both with the theory and practice of this new system, that the General Government should absorb all the authority of the States, and eventually become the grand depository of the powers, and the general guardian and distributor of the wealth of the whole Union. It is known to all who have marked the course of our national affairs, that Congress has undertaken to create a bank, and has already assumed jurisdiction over science and the arts, over education and charities, over roads and canals, and almost every other subject formerly considered as appertaining exclusively to the States, and that they claim and exercise an unlimited control over the appropriation of the public lands as well as of the public money. On looking indeed to the legislation of the last ten years, it is impossible to resist the conviction that a fatal change has taken place in the whole policy and entire operation of the Federal Government—that in every one of its departments, it is both in theory and practice rapidly verging towards consolidation. Asserting judicial supremacy over the sovereign States, extending executive patronage and influence to the remotest ramifications of society, and assuming legislative control over every object of local concernment, thereby reducing the States to petty corporations, shorn of their sovereignty, mere parts of one great whole, standing in the same relation to the Union as a county or parish does to the State of which it is a subordinate part.

Such is the true character, and such the inevitable tendencies of the American system. And when the case thus plainly stated, is brought home to the bosoms of patriotic men, surely it is not possible to avoid the conclusion, that a political system founded on such principles must bear within it the seeds of premature dissolution—and that though it may for a season be extended, en-

larged and strengthened, through the corrupting influence of patronage and power, until it shall have embraced in its serpent folds all the great interests of the State, still the time must come when the people, deprived of all other means of escape, will rise up in their might and release themselves from this thralldom, by one of those violent convulsions by which society is uprooted from its foundations, and the edict of reform is written in blood.

Against this system South Carolina has remonstrated in the most earnest terms. As early as 1820, there was hardly a district or parish in the whole State from which memorials were not forwarded to Congress, the general language of which was that the protecting system was "utterly subversive of their rights and interests." Again, in 1823 and 1827, the people of this State rose up almost as one man, and declared to Congress and the world, "that the protecting system was unconstitutional, oppressive and unjust." But these repeated remonstrances were answered only by repeated injuries and insults, by the enacting of the tariffs of 1824 and 1828. To give greater dignity, and if possible more effect to these appeals, the Legislature, in Dec. 1825, solemnly declared, "that it was an unconstitutional exercise of power on the part of Congress to lay duties to protect domestic manufactures," and in 1828 they caused to be presented to the Senate of the United States, and claimed to have recorded on its Journals, the solemn PROTEST of the State of South Carolina, denouncing this system as "utterly unconstitutional, grossly unequal and oppressive, and such an abuse of power as was incompatible with the principles of a free government and the great ends of civil society," and that they were "then only restrained from the assertion of the sovereign rights of the State, by the hope that the magnanimity and justice of the good people of the Union would effect an abandonment of a system partial in its nature, unjust in its operation, and not within the powers delegated to Congress." And finally in December, 1830, it was Resolved "That the several acts of Congress imposing duties on imports, for the protection of domestic manufactures, are highly dangerous and oppressive violations of the constitutional compact; and that whenever the States which are suffering under the oppression shall lose all reasonable hope of redress from the wisdom and justice of the Federal Government, it will be their right and duty to interpose, in their sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts."

Nor has South Carolina stood alone in the expression of these sentiments: Georgia and Virginia, Alabama and Mississippi, and North Carolina, have raised their voices in earnest remonstrances and repeated warnings. Virginia, in 1828, in responding to South Carolina, declared "that the Constitution of the United States, being a federative compact between sovereign States, in construing which no common arbiter is known, each State has a right to construe the compact for itself; and that Virginia, as one of the high

contracting parties, feels itself bound to declare and does hereby most solemnly declare, its deliberate conviction, that the acts of Congress usually denominated the tariff laws, passed avowedly for the protection of domestic manufactures, are not authorised by the plain construction, true intent and meaning of the Constitution."

Georgia, through her Legislature, pronounced this system to be one "which was grinding down the resources of one class of the States to build up and advance the prosperity of another of the same confederacy—and which they solemnly believed to be contrary to the letter and spirit of the Federal Constitution," and declared it to be the right of the several States, in case of any infraction of the general compact, "to complain, remonstrate, and even *refuse obedience* to any measure of the General Government manifestly against and in violation of the Constitution, that otherwise the law might be violated with impunity, and without redress, as often as the majority might think proper to transcend their powers, and the party injured would be bound to yield an implicit obedience to the measure, however unconstitutional, which must tend to annihilate all sovereignty and independence of the States, and consolidate all power in the General Government, which never was designed nor intended by the framers of the Constitution"

Alabama also protested against "the attempt to exclude the foreign in favor of the domestic fabrics, as the exercise of a power not granted by the Constitution," and concluded by stating, "that she wished it to be distinctly understood, that in common with the other southern and south-western States, she regards the power asserted by the General Government to control her *internal concerns* by protecting duties, as a palpable usurpation of powers not given by the Constitution, and a species of oppression little short of legalized pillage."

North Carolina, in the same spirit, declared that while "it was conceded that Congress have the express power to lay imposts, she maintains that the power was given for the purpose of *revenue*, and revenue alone, and that every other use of the power is an usurpation on the part of Congress" And finally, the Legislature of Mississippi "Resolved, that the State of Mississippi concurs with the States of Georgia, South Carolina, and Virginia, in their different resolutions upon the subject of *the Tariff*, Colonization Society, and Internal Improvement."\*

It has been in the face of all these remonstrances and protests, and in defiance of these repeated warnings and solemn declarations, that the recent modification of the tariff, by the act of 1828 was effected. The period of the final extinction of the public debt had always been looked to as the crisis of our fate, when the poli-

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\* These quotations are extracts from the original draught of the Kentucky Resolutions, in the hand writing of Mr. Jefferson.—(See *Elliott's edition of Virginia Resolutions of 1798*, page 61.)

cy of the country in reference to the protective system was to be finally settled. It was the period assigned by common consent, as the utmost limit of the forbearance of South Carolina, whose citizens felt that, in the adoption of that system, their constitutional rights had been trampled on, and their dearest interests cruelly sacrificed.

No one could fail to perceive, that when every pretext for the continuance of the high duties under which the southern States had suffered for so many years, was taken away by the payment of the national debt, and the consequent relief of the Treasury from an annual demand of twelve millions of dollars; that no reason could be given why these duties should not be brought down to the revenue standard, except that it was deliberately designed to secure to the manufacturers, forever, the monopoly they had so long enjoyed at the expense of the other great interests of the country.

We find, accordingly, that the new tariff, which is intended to take effect only after the final extinguishment of the public debt, has been arranged and adjusted with a single eye to the perpetuation of this system, and with an entire disregard of the just claims of the Plantation States. Whatever may be the amount of the aggregate reduction effected by this bill, (and it is not pretended in the latest Treasury estimate, to exceed \$5,000,000, of which near 4,000,000 of dollars are on the unprotected articles.) it is not denied that it will leave a surplus of many millions in the treasury beyond the usual expenses or necessary wants of the Government, and it is notorious, nay, it appears on the face of the bill itself, that while duties to the amount of 40, 50, and even 100 per cent. are still to be levied upon the protected articles, (that is to say upon all the cottons, woollens, and iron, the sugar and the salt and other articles embraced in the protective system.) the duties on the unprotected articles have been reduced greatly below the revenue standard, and upwards of 3,000,000 entirely repealed; so that according to this system, as now established, a large surplus revenue to be applied to internal improvements and other unwarrantable purposes, is to be levied by the imposition of enormous taxes on the necessities of life, the very articles received chiefly in exchange for Southern productions; and this has been done, in order to protect the industry of the north, with which ours comes in competition, while the articles of luxury, universally acknowledged to be the fittest subjects for taxation, are to be admitted duty free.

Now, let it be remembered, that the very point in controversy, has all along been not the *revenue* but the *protecting* duties, and yet we see, that in all our petitions and remonstrances, Congress has been graciously pleased to make an adjustment of the tariff, which simply consists in taking off the duties imposed for revenue, while the protecting duties are allowed to remain substantially untouched. It was not so much the amount of the imposition, as the

inequality and injustice of the protecting system, that has roused the people of South Carolina to determined resistance, and yet we find, that this inequality has been aggravated, and that injustice perpetuated by the deliberate adoption of a measure which was calculated and intended to rivet this system upon us, beyond all hope of relief.

The grave and solemn question now occurs, what is to be done to redeem ourselves from the state of colonial vassalage into which we have unhappily fallen? Shall we still continue to wait for a returning sense of justice on the part of our oppressors? We are thoroughly persuaded that the hope can no longer be indulged, that the tariff majority in Congress will, of their own accord, relieve us from this cruel bondage—experience teaches us that this expectation, so long and fondly indulged, is utterly delusive. The only effect of further delay must be to strengthen the hand of the oppressor, to crush the public spirit, deaden the sensibility of the people to the inestimable value of their rights, and teach them the degrading lesson of wearing their chains in patience. It is almost unconceivable that any reflecting man can believe that the crisis in our affairs, arising from the final extinction of the public debt, should be suffered to pass away, without reducing the tariff to the revenue standard, and yet that such reduction may be expected to take place at some future period. What period so auspicious as that which has been allowed to pass away unimproved? Is any one so ignorant of human nature, as not to know that the annual surplus which will be brought into the Treasury, under the act of 1832, will be speedily absorbed by new and enlarged appropriations, serving as additional props to a system, which some vainly imagine to be tottering on its base, ready to fall under its own weight? Even at the last session of Congress, the annual appropriations were enlarged by several millions of dollars, in anticipation of this expected surplus; and the foundation is already laid for its absorption; and when this shall be accomplished, where will be the hopes of those who now say that the evil is to correct itself, and who tell us that the act of 1832, which was in fact designed to rivet the system upon the country forever, and was hailed by its friends as “a clear, distinct, and indisputable admission of the principle of protection,” is to be viewed as a blessed reform, presenting the brightest auspices for the future? The truth unquestionably is, that the American system is, from its very nature, progressive. When its foundations were laid, it was foreseen and predicted that the great interests which it would build up, would exert a controlling influence over the legislation of the country. The history of the world, indeed, affords no example of a voluntary relinquishment, by a favored class of any pecuniary or political advantage, secured to them by the laws and general policy of the country. Force has often torn from the hands of the oppressor his unrighteous gains; but reason and argument are as vain in convincing the understanding, and appeals to justice and magnanimi-

ty have ever proved to be impotent in softening the hearts of those who are enriched under the operation of the laws passed professedly for the public good. Who is there that can, for one moment, believe that any thing short of a direct appeal to their interests, will induce the dependants upon the Federal Government—the wealthy sugar planters and iron masters, or the joint-stock companies, who have millions invested in cotton and woollen factories, yielding, under the operation of the protecting system, an annual income of 10 or 20 per cent. voluntarily to relinquish the advantage secured to them by the laws, and consent to come down to a level with the other classes of the community? It is impossible. From every view, then, which your committee have been able to take of this subject, they are constrained to announce to this Convention the solemn truth, that after more than 10 years of patient endurance of a system, which is believed by the people of this State to be fatal to their prosperity, and a gross, deliberate, and palpable violation of their constitutional rights—after the most earnest and unavailing appeals to that sense of justice, and those common sympathies, which ought to bind together the different members of a confederated republic, the crisis has at length arrived when the question must be solemnly, and finally determined, whether there remains any means, within the power of the State, by which these evils may be redressed?

It is useless to disguise the fact, as to attempt to delude ourselves on this subject, the time has come when the State must either adopt a decisive course of action, or we must at once abandon the contest. We cannot again petition—it would be idle to remonstrate, and degrading to protest. In our estimation, it is now a question of liberty or slavery. It is now to be decided, whether we shall maintain the rights purchased by the precious blood of our fathers, and transmit them unimpaired to our posterity, or tamely surrender them without a struggle. We are constrained to express our solemn conviction, that, under the protecting system, we have been reduced to a state of “colonial dependence, suffering, and disgrace,” and that unless we now fly with the spirit which becomes freemen, to the rescue of our liberties, they are lost forever. Brought up in an ardent devotion to the union of the States, the people of South Carolina have long struggled against the conviction, that the powers of the Federal Government have been shamefully perverted to the purposes of injustice and oppression. Bound to their brethren by the proud recollections of the past, and fond hopes of the future, by common struggles for liberties and common glories, acquired in its defence, they have been brought, slowly, and with the utmost reluctance, to the conclusion, that they are shut out from their sympathies, and made the unpitied victims of an inexorable system of tyranny, which is without example in any country claiming to be free. Experience has at length taught us the lamentable truth, that, administered as the Government now is, and has been for several years past, in open

disregard of all the limitations prescribed by the Constitution, the Union itself, instead of being a blessing, must soon become a curse. Liberty, we are thoroughly persuaded, cannot be preserved under our system, without a sacred and inviolable regard, not merely to the letter, but the true spirit of the Constitution; and without liberty, the Union would not be worth preserving. If then there were no alternatives but to submit to these evils or to seek a remedy even in revolution itself, we could not, without proving ourselves recreant to the principles hallowed by the example of our ancestors, hesitate a moment as to our choice. We should say, in the spirit of our fathers, "we have counted the cost, and find nothing so intolerable as voluntary slavery." But we cannot bring ourselves for one moment to believe that the alternatives presented to us are revolution or slavery; we confidently believe that there is a redeeming spirit in our institutions, which may, on great occasions, be brought to our aid, for the purpose of preserving the public liberty, restoring the Constitution, and effecting a regeneration of the Government, thereby producing a redress of intolerable grievances, without war, revolution, or a dissolution of the Union.

These great objects, we feel assured, may even now be effected, unless those who are in possession of the powers of the Government and charged with the administration of our national affairs, shall resolve to persevere in a course of injustice, and prove by their conduct that they love the usurpation (to which the people of this State are unalterably determined not to submit) better than the Union. We believe that the redeeming spirit of our system is STATE SOVEREIGNTY, and that it results from the very form and structure of the Federal Government, that when the rights reserved to the several States are deliberately invaded, it is their right and their duty to interpose for the purpose of arresting the progress of the evil of usurpation, and to maintain within their respective limits the authorities and privileges belonging to them as independent sovereignties. If the several States do not possess this right, it is in vain that they claim to be sovereign. They are at once reduced to the degrading condition of humble dependants on the will of the Federal Government. South Carolina claims to be a sovereign State: she recognises no tribunal upon earth as above her authority. It is true she has entered into a solemn compact of the Union with other sovereign States, but she claims and will exercise the right to determine the extent of her obligations under that compact, nor will she consent that any other power shall exercise the right of judgment for her. And when that compact is violated by her co-States, or by the Government "which they have created, she asserts her unquestionable right, to judge of the infractions, as well as of the mode and measure of redress." South Carolina claims no right to judge for others. The States who are parties to the compact, must judge each for itself, whether that compact has been pursued or

violated, and should they differ irreconcilably in opinion, there is no earthly tribunal that can authoritatively decide between them. It was in the contemplation of a similar case, that Mr. Jefferson declared that if the difference could neither be compromised nor avoided, it was the peculiar felicity of our system, to have provided a remedy in a Convention of all the States, by whom the Constitution might be so altered or amended as to remove the difficulty. To this tribunal, South Carolina is willing that an appeal should now be made, and that the constitutional compact should be so modified as to accomplish all the great ends for which the Union was formed, and the Federal Government constituted, and at the same time, restore the rights of the States, and preserve them from violation hereafter. Your Committee purposely avoided entering here into an examination of the nature and character of this claim, which South Carolina asserts, to interpose her sovereignty, for the protection of her citizens from the operation of unconstitutional laws, and the preservation of her own reserved rights. In an address, which will be submitted to the Convention, this subject will be fully examined, and they trust that it will be made to appear, to the satisfaction of every dispassionate mind, that in adopting the ordinance which the committee herewith report, declaring the tariff laws passed for the protection of domestic manufactures, null and void, and not law, and directing the legislature to provide, that the same shall not be enforced within the limits of this State,—South Carolina will be asserting her unquestionable rights, and in no way violating her obligations under the federal compact.

The Committee cannot dismiss this point, however, even for the present, without remarking that in asserting the principles, and adopting the course which they are about to recommend, South Carolina will only be carrying out the doctrines which were asserted by Virginia and Kentucky in 1798, and which have been sanctified by the high authority of Thomas Jefferson. It is from the pen of this great apostle of liberty that we have been instructed, that to the constitutional compact “each State acceded as a State, and is an integral party, its co-States forming as to itself the other party,” that “they alone being parties to the compact are solely authorized to judge in the last resort of the powers exercised under it; Congress being not a party but merely the creature of the compact,” that it becomes a sovereign State “to submit to undelegated and consequently unlimited power in no man or body of men on earth—that in cases of abuse of the *delegated powers*, the members of the General Government being chosen by the people, a change by the people would be the constitutional remedy, but where powers are assumed which have not been delegated [the very case now before us] A NULLIFICATION OF THE ACT IS THE RIGHTFUL REMEDY; that any State has a natural right in cases not within the compact a [*casus non fœderis*] to NULLIFY of their own authority all assumption of power by others within their limits,

and that without this right they would be under the dominion, absolute and unlimited, of whomsoever might exercise the right of judgment for them," and that in case of acts being passed by Congress "so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed to exercise over the States all powers whatsoever, by seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed of binding the States, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent, it would be the duty of the States to declare the acts void, and of no force, and that each should take measures of its own for providing that neither such acts, nor any other of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.\*"

In acting on these great and essential truths, South Carolina surely cannot err. She is convinced and has so declared to Congress and the world, that the protecting system is in all its branches a "gross, deliberate, and palpable violation of the Constitution." She believes that after having exhausted every other means of redress in vain, it is her right, and that it has now become her solemn duty, to interpose for arresting the evil within her own limits by declaring said acts "to be null and void, and no law, and taking measures of her own that they shall not be enforced within her territory." That duty she means to perform, and to leave the consequences in the hands of him, with whom are the issues of life and the destinies of nations.

South Carolina will continue to cherish a sincere attachment to the UNION of the States, and will to the utmost of her power endeavour to preserve it, "and believes that for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that union, because a faithful observance of them can alone secure its existence." She venerates the CONSTITUTION and will protect and defend it "against every aggression either foreign or domestic," but above all, she estimates as beyond all price her LIBERTY, which she is unalterably determined never to surrender whilst she has the power to maintain it. Influenced by these views, your committee report herewith for the adoption of the Convention a solemn Declaration and Ordinance.

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\* For the proceedings of South Carolina, and the other States here quoted, see Elliott's Virginia Resolutions of 1798, page 74, and the Congressional Documents of the years referred to.

## AN ORDINANCE

### To Nullify certain Acts of the Congress of the United States, purporting to be laws laying duties and imposts on the Importation of Foreign Commodities.

Whereas, the Congress of the United States by various Acts, purporting to be Acts laying duties and imposts on foreign imports, but in reality intended for the protection of Domestic Manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the constitution which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the Confederacy—And, whereas the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenues for objects unauthorized by the Constitution.

We, therefore, the People of the State of South Carolina in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several Acts and parts of Acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially an Act entitled “an Act in alteration of the several Acts imposing duties on imports,” approved on the 19th day of May, one thousand eight hundred and twenty-eight, and also an Act entitled “an Act to alter and amend the several acts imposing duties on imports,” approved on the 14th day of July, one thousand eight hundred and thirty-two, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void and no law, nor binding upon this State, its officers or citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into, with the purpose to secure the duties imposed by the said Acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said Acts within

the limits of this State ; but that it shall be the duty of the Legislature to adopt such Acts as may be necessary to give full effect to this Ordinance, and to prevent the enforcement and arrest the operation of the said Acts and parts of Acts of the Congress of the United States within the limits of this State, from and after the 1st day of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined to obey and give effect to this Ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further ordained, That in no case of law or equity, decided in the Courts of this State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such Act or Acts of the Legislature as may be passed for the purpose of giving effect thereto or the validity of the aforesaid Acts of Congress, imposing duties, shall any appeal be taken, or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and if any such appeal shall be attempted to be taken, the Courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the States, without reference to such attempted appeal ; and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

And it is further ordained, That all persons now holding any office of honor profit or trust, civil or military, under this State, (members of the Legislature excepted) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath well and truly to obey, execute and enforce this ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same ; and on the neglect or omission of any such person or persons so to do, his or their office or offices, shall be forthwith vacated, and shall be filled up, as if such person or persons were dead or had resigned, and no person hereafter elected to any office of honor, profit or trust, civil or military, shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath ; and no juror shall be impanelled in any of the courts of this State, in any cause in which shall be in question this ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath, that he will well and truly obey, execute and enforce this ordinance, and such act or acts of the Legislature, as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the People of South Carolina, to the end, that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our ordinance and declaration, at every hazard, do further declare, that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience ; but that we will consider the passage, by Congress, of any act authorizing the employment of any military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress or egress of vessels, to and from the said ports, or any other act, on the part of the Federal Government to coerce this State, shut up her ports, destroy her commerce, or to enforce the acts hereby declared to be null and void, other-

wise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union, and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do.

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## ADDRESS

To the People of the United States, by the Convention of South Carolina.

To the People of Massachusetts, Virginia, New York, Pennsylvania, North Carolina, Maryland, Connecticut, Vermont, New-Hampshire, Maine, New Jersey, Georgia, Delaware, Rhode Island, Kentucky, Tennessee, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, and Missouri.

We the people of South Carolina, assembled in Convention, have solemnly and deliberately declared, in our paramount sovereign capacity, that the act of Congress approved the 19th day of May 1828, and the act approved the 14th July 1832, altering and amending the several acts imposing duties on imports, are unconstitutional, and therefore, absolutely void, and of no binding force within the limits of this State; and for the purpose of carrying this declaration into full and complete effect, we have invested the Legislature with ample powers, and made it the duty of all the functionaries and all the citizens of the State, on their allegiance to co-operate in enforcing the aforesaid declaration.

In resorting to this important measure, to which we have been impelled by the most sacred of all the duties which a free people can owe either to the memory of their ancestors or to the claims of their posterity, we feel that it is due to the intimate political relation which exists between South Carolina and the other States of this confederacy, that we should present a clear and distinct exposition of the principles on which we have acted, and of the causes by which we have been reluctantly constrained to assume this attitude of sovereign resistance in relation to the usurpations of the Federal Government.

For this purpose it will be necessary to state, briefly, what we conceive to be the relation created by the Federal Constitution, between the States and the General Government; and also what we conceive to be the true character and practical operation or the system of protecting duties, as it affects our rights, our interests, and our liberties.

We hold then, that on their separation from the Crown of Great Britain, the several Colonies became free and independent States,

each enjoying the separate and independent right of self government; and that no authority can be exercised over them or within their limits, but by their consent, respectively given as States. It is equally true, that the Constitution of the United States is a compact formed between the several States, acting as sovereign communities; that the government created by it is a joint agency of the States, appointed to execute the powers enumerated and granted by that instrument; that all its acts not intentionally authorised, are of themselves essentially null and void, and that the States have the right, in the same sovereign capacity in which they adopted the federal Constitution, to pronounce, in the last resort, authoritative judgment on the usurpations of the federal government, and to adopt such measures as they may deem necessary and expedient to arrest the operation of the unconstitutional acts of that government within their respective limits. Such we deem to be the inherent rights of the States—rights, in the very nature of things, absolutely inseparable from sovereignty. Nor is the duty of a State, to arrest an unconstitutional and oppressive act of the federal government less imperative, than the right is incontestible. Each State, by ratifying the federal Constitution, and becoming a member of the confederacy, contracted an obligation to “protect and defend” that instrument, as well by resisting the usurpations of the federal government, as by sustaining that government in the exercise of the powers actually conferred upon it. And the obligation of the oath which is imposed, under the Constitution, on every functionary of the States, to “preserve, protect, and defend” the federal Constitution, as clearly comprehends the duty of protecting and defending it against the usurpations of the federal government, as that of protecting and defending it against violation in any other form or from any other quarter.

It is true that in ratifying the Federal Constitution, the State placed a large and important portion of the rights of their citizens under the joint protection of all the States, with a view to their more effectual security; but it is not less true than they reserved a portion still larger and not less important under their own immediate guardianship, and in relation to which their original obligation to protect their citizens, from whatever quarter assailed, remains unchanged and undiminished.

But clear and undoubted as we regard the right, and sacred as we regard the duty of the States to interpose their sovereign power for the purpose of protecting their citizens from the unconstitutional and oppressive acts of the Federal Government, yet we are as clearly of the opinion that nothing short of that high moral and political necessity, which results from acts of usurpation, subversive of the rights and liberties of the people, should induce a member of this confederacy to resort to this interposition. Such, however, is the melancholy and painful necessity under which we have declared the acts of Congress imposing protecting duties,

null and void within the limits of South Carolina. The spirit and the principles which animated your ancestors and ours in the councils and in the fields of their common glory, forbid us to submit any longer to a system of Legislation, now become the established policy of the Federal Government, by which we are reduced to a condition of colonial vassalage, in all its aspects more oppressive and intolerable than that from which our common ancestors relieved themselves by the war of the revolution. There is no right which enters more essentially into a just conception of liberty, than that of the free and unrestricted use of the productions of our industry. This clearly involves the right of carrying the productions of that industry wherever they can be most advantageously exchanged, whether in foreign or domestic markets. South Carolina produces, almost exclusively, agricultural staples, which derive their principal value from the demand for them in foreign countries. Under these circumstances, her natural markets are abroad; and restrictive duties imposed upon her intercourse with those markets, diminish the exchangeable value of her productions very nearly to the full extent of those duties.

Under a system of free trade, the aggregate crop of South Carolina could be exchanged for a larger quantity of manufactures, by at least one third, than it can be now exchanged for under the protecting system. It is no less evident, that the value of that crop is diminished by the protecting system very nearly, if not precisely, to the extent that the aggregate quantity of manufactures which can be obtained for it, is diminished. It is, indeed, strictly and philosophically true, that the quantity of consumable commodities which can be obtained for the cotton and rice annually produced by the industry of the State, is the precise measure of their aggregate value. But for the prevalent and habitual error of confounding the money price with the exchangeable value of our agricultural staples, these propositions would be regarded as self evident. If the protecting duties were repealed, one hundred bales of cotton or one hundred barrels of rice, would purchase as large a quantity of manufactures, as one hundred and fifty will now purchase. The annual income of the State, its means of purchasing and consuming the necessities and comforts and luxuries of life, would be increased in a corresponding degree.

Almost the entire crop of S. Carolina, amounting annually to more than six millions of dollars, is ultimately exchanged either for foreign manufactures, subject to protecting duties, or for similar domestic manufactures. The *natural* value of that crop would be all the manufactures which we could obtain for it, under a system of unrestricted commerce. The *artificial* value, produced by the unjust and unconstitutional Legislation of Congress, is only such a part of those manufactures as will remain after paying a duty of fifty per cent. to the Government, or, to speak with more precision, to the Northern manufactures. To make this obvious to the humblest comprehension, let it be supposed

that the whole of the present crop should be exchanged, by the planters themselves, for those foreign manufactures, for which it is destined, by the inevitable course of trade, to be ultimately exchanged, either by themselves or their agents.

Let it be also assumed, in conformity with the facts of the case, that New Jersey, for example, produces of the very same description of manufactures, a quantity equal to that which is purchased by the cotton crop of S. Carolina. We have, then, two States of the same confederacy, bound to bear an equal share of the burthens, and entitled to enjoy an equal share of the benefits of the common government, with precisely the same quantity of productions, of the same quality and kind, produced by their lawful industry. We appeal to your candor, and to your sense of justice, to say whether South Carolina has not a title as sacred and indefeisible to the full and undiminished enjoyment of these productions of her industry, acquired by the combined operations of agriculture and commerce, as New Jersey can have to the like enjoyment of similar productions of her industry, acquired by the process of manufacture? Upon no principle of Constitutional right—upon no principle of human reason or justice, can any discrimination be drawn between the titles of South Carolina and New Jersey to these productions of their capital and labor. Yet what is the discrimination actually made by the unjust, unconstitutional and partial Legislation of Congress? A duty, on an average, of fifty per cent. is imposed upon the productions of South Carolina, while no duty at all is imposed upon the similar productions of New Jersey! The inevitable result is, that the manufactures thus lawfully acquired by the honest industry of South Carolina are worth, annually, three millions of dollars less to her citizens than the very same quantity of the very same description of manufactures are worth to the citizens of New Jersey—a difference of value produced exclusively by the operation of the protecting system.

No ingenuity can either evade or refute this proposition. The very axioms of geometry are not more self-evident. For even if the planters of South Carolina, in the case supposed, were to sell and not consume these productions of their industry, it is plain that they could obtain no higher price for them, after paying duties to the amount of \$3,000,000, than the manufacturers of New-Jersey would obtain for the same quantity of the same kind of manufactures, without paying any duty at all.

This single view of the subject, exhibits the enormous inequality and injustice of the protecting system in such a light, that we feel the most consoling confidence that we shall be fully justified by the impartial judgment of posterity, whatever may be the issue of this unhappy controversy. We confidently appeal to our confederate States, and to the whole world, to decide whether the annals of human Legislation furnishes a parallel instance of injustice and oppression perpetrated under the forms of a free govern-

ment. However it may be disguised by the complexity of the process by which it is effected, it is nothing less than the monstrous outrage of taking three millions of dollars annually, from the value of the productions of S. Carolina and transferring it to the people of other and distant communities. No human Government can rightfully exercise such a power. It violates the eternal principles of natural justice, and converts the Government into a mere instrument of legislative plunder. Of all the governments on the face of the earth, the Federal Government has the least shadow of a constitutional right to exercise such a power. It was created principally, and almost exclusively, for the purpose of protecting, improving, and extending that very commerce, which for the last ten years, all its powers have been most unnaturally and unrighteously perverted to cripple and destroy. The power to "regulate commerce with foreign nations," was granted obviously for the preservation of that commerce. The most important of all the duties which the Federal Government owes to South Carolina, under the compact of Union, is the protection and defence of her foreign commerce, against all the enemies by whom it may be assailed. And in what manner has this duty been discharged. All the powers of the earth, by their commercial restrictions, and all the pirates of the ocean, by their lawless violence, could not have done so much to destroy our commerce, as has been done by that very Government, to which its guardianship has been committed by the Federal Constitution. The commerce of South Carolina consists in exchanging the staple productions of her soil for the manufactures of Europe. It is a lawful commerce. It violates the rights of no class of people in any portion of the confederacy.—It is this very commerce, therefore, which the Constitution has enjoined it upon Congress to encourage, protect, and defend by such regulations as may be necessary to accomplish that object. But instead of that protection, which is the only tie of our allegiance, as individual citizens, to the Federal Government, we have seen a gigantic system of restrictions gradually reared up, and at length brought to a fatal maturity, of which it is the avowed object and must be the inevitable result, to sweep our commerce from the great highway of nations, and cover our land with poverty and ruin.

Even the States most deeply interested in the maintenance of the protecting system will admit, that it is the interest of South Carolina to carry on a commerce of exchanges with foreign countries, free from restrictions, prohibitory burthens or incumbrances of any kind. We feel, and we know, that the vital interests of the State, are involved in such a commerce. It would be a downright insult to our understandings, to tell us that our interests are not injured, deeply injured by those prohibitory duties, intended and calculated to prevent us from obtaining the cheap manufactures of foreign countries for our staples, and to compel us to receive for them the dear manufactures of our domestic establishments

or pay the penalty of the protecting duties for daring to exercise one of the most sacred of our national rights. What right, then, human or divine, have the manufacturing States—for we regard the Federal Government, as a mere instrument in their hands—to prohibit South Carolina, directly, or indirectly, from going to her natural markets, and exchanging the rich productions of her soil, without restriction or incumbrance, for such foreign articles as will most conduce to the wealth and prosperity of her citizens? It will not surely be pretended—for truth and decency equally forbid the allegation—that in exchanging our productions for the cheaper manufactures of Europe, we violate any right of the domestic manufactures, however gratifying it might be to them, if we could purchase their inferior productions at higher prices.

Upon what principle, then, can the State of South Carolina be called upon to submit to a system, which excludes her from her natural markets and the manifold benefits of that enriching commerce which a kind and beneficent Providence has provided to connect her with the family of nations, by the bonds of mutual interest? But one answer can be given to this question. It is in vain that we attempt to disguise the fact, mortifying as it must be, that the principle by which South Carolina is thus excluded, is in strict propriety of language, and to all rational intents and purposes, a principle of colonial dependence and vassalage, in all respects identical with that which restrained our forefathers from trading with any manufacturing nation of Europe, other than Great Britain. South Carolina now bears the same relation to the manufacturing States of this confederacy, that the Anglo-American colonies bore to the mother country, with the single exception that our burthens are incomparably more oppressive than those of our ancestors. Our time, our pride, and the occasion, equally forbid us to trace out the degrading analogy. We leave that to the historian who shall record the judgment which an impartial posterity will pronounce upon the eventful transactions of this day.

It is in vain that we attempt to console ourselves by the empty and unreal mockery of our representation in Congress. As to all those great and vital interests of the State which are affected by the protecting system, it would be better that she had no representation in that body. It serves no other purpose but to conceal the chains which fetter our liberties under the vain and empty forms of a representative Government. In the enactment of the protecting system, the majority of Congress, is in strict propriety of speech, an irresponsible despotism. A very brief analysis will render this clear to every understanding. What, then, we ask, is involved in the idea of political responsibility, in the imposition of public burthens? It clearly implies that those who impose the burthens, should be responsible to those who bear them. Every representative in Congress should be responsible, not only to his own immediate constituents, but through them and their common participation in the burthens imposed, to the constituents of every

other representative. If in the enactment of a protecting tariff, the majority in Congress imposed upon their own constituents the same burthens which they impose upon the people of South Carolina, that majority would act under all the restraints of political responsibility, and we should have the best security which human wisdom has yet devised against oppressive legislation.

But the fact is precisely the reverse of this. The majority in Congress, in imposing protecting duties which are utterly destructive of the interests of South Carolina, not only impose no burthens, but actually confer enriching bounties upon their constituents, proportioned to the burthens they impose upon us. Under these circumstances, the principle of representative responsibility, is perverted into a principle of absolute despotism. It is this very tie, binding the majority of Congress to execute the will of their constituents, which makes them our inexorable oppressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles, in their individual capacities.

The grave question, then, which we have had to determine, as the sovereign power of the State, upon the awful responsibility under which we have acted, is, whether we will voluntarily surrender the glorious inheritance, purchased and consecrated by the toils, the sufferings and the blood of an illustrious ancestry, or transmit that inheritance to our posterity untarnished and undiminished? We could not hesitate in deciding this question. We have, therefore, deliberately and unalterably resolved, that we will no longer submit to a system of oppression, which reduces us to the degrading condition of tributary vassals; and which would reduce our posterity, in a few generations, to a state of poverty and wretchedness, that would stand in melancholy contrast with the beautiful and delightful region in which the Providence of God has cast our destinies. Having formed this resolution, with a full view of all its bearings, and of all its probable and possible issues, it is due to the gravity of the subject and the solemnity of the occasion, that we should speak to our confederate brethren in the plain language of frankness and truth. Though we plant ourselves upon the Constitution and the immutable principles of justice, and intend to operate exclusively through the civil tribunals and civil functionaries of the State, yet we *will* throw off this oppression *at every hazard*. We believe our remedy to be essentially peaceful. We believe the Federal Government has no shadow of right or authority to act against a sovereign State of the Confederacy in any form, much less to coerce it by military power. But we are aware of the diversities of human opinion; and have seen too many proofs of the infatuation of human power, not to have looked with the most anxious concern to the possibility of a resort to military or naval force on the part of the Federal Government;—and in order to obviate the possibility of

having the history of this contest stained by a single drop of fraternal blood, we have solemnly and irrevocably resolved, that we will regard such a resort as a dissolution of the political ties which connect us with our confederate States ; and will, forthwith, provide for the organization of a new and separate government.

We implore you, and particularly the manufacturing States, not to believe that we have been actuated, in adopting this resolution, by any feeling of resentment, or hostility towards them ; or by a desire to dissolve the political bonds, which have so long united our common destinies. We still cherish that rational devotion to the Union, by which this State has been pre-eminently distinguished, in all times past. But that blind and idolatrous devotion, which would bow down and worship Oppression and Tyranny, veiled under that consecrated title,—if it ever existed among us, is now vanished for ever. CONSTITUTIONAL LIBERTY is the only idol of our political devotion ; and, to preserve that, we will not hesitate a single moment, to surrender the Union itself, if the sacrifice be necessary. If it had pleased God to cover our eyes with ignorance—if he had not bestowed upon us the understanding to comprehend the enormity of oppression under which we labor—we might submit to it without absolute degradation and infamy. But the gifts of Providence cannot be neglected, or abused, with impunity. A people, who deliberately submit to oppression, with a full knowledge that they are oppressed, are fit only to be slaves ; and all history proves that such people will soon find a master. It is the pre-existing spirit of slavery, in the people, that has made tyrants in all ages of the world. No tyrant ever made a slave—no community however small, having the spirit of freemen, ever yet had a master. The most illustrious of those States, which have given to the world examples of human freedom, have occupied Territories, not larger than some of the Districts of South Carolina ; while the largest masses of population, that were ever united under a common government, have been the abject, spiritless and degraded slaves of despotic rulers. We sincerely hope, therefore, that no portion of the States of this Confederacy, will permit themselves to be deluded into any measures of rashness, by the vain imagination, that South Carolina will vindicate her rights and liberties, with a less inflexible and unfaltering resolution, with a population of some half a million, than she would do with a population of twenty millions.

It does not belong to Freemen to count the costs, and calculate the hazards of vindicating their rights and defending their liberties ; and even if we should stand alone in the worst possible emergency of this great controversy, without the co-operation or encouragement of a single State of the confederacy, we will march forward with an unfaltering step, until we have accomplished the object of this great enterprise.

Having now presented, for the consideration of the Federal Government and our confederate States, the fixed and final de-

termination of this State in relation to the protecting system, it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a spirit of liberal concession, provided we are met in due time and in a becoming spirit by the States interested in the protection of manufactures.

We believe that upon every just and equitable principle of taxation, the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties, should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate should be imposed upon all similar articles manufactured in the United States. This would be as near an approach to perfect equality as could possibly be made, in a system of indirect taxation. No substantial reason can be given for subjecting manufactures obtained from abroad in exchange for the productions of South Carolina to the smallest duty, even for revenue, which would not show that similar manufactures made in the United States, should be subject to the very same rate of duty. The former, not less than the latter, are to every rational intent, the productions of domestic industry, and the mode of acquiring the one, is as lawful and more conducive to the public prosperity, than that of acquiring the other.

But we are willing to make a large offering to preserve the Union; and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the Government for Constitutional purposes, and provided also, that a duty, substantially uniform, be imposed upon all foreign imposts.

It is obvious, that even under this arrangement, the manufacturing States would have a decided advantage over the planting States. For it is demonstrably evident that, as communities, the manufacturing States would bear no part of the burthens of Federal Taxation, so far as the revenue should be derived from protected articles. The earnestness with which their representatives seek to increase the duties on these articles, is conclusive proof that those duties are bounties, and not burthens, to their constituents. As at least two-thirds of the Federal revenue would be raised from protected articles, under the proposed modification of the Tariff, the manufacturing States would be entirely exempted from all participation in that proportion of the public burthens.

Under these circumstances we cannot permit ourselves to believe for a moment, that in a crisis marked by such portentous and fearful omens, those States can hesitate in acceding to this arrangement, when they perceive that it will be the means, and possibly the only means, of restoring the broken harmony of this great Confederacy.

They must assuredly have the strongest of human inducements, aside from all considerations of justice, to adjust this controversy, without pushing it to extremities. This can be accomplished only by the proposed modification of the Tariff, or by the call of a general Convention of all the States. If South Carolina should be driven out of the Union, all the other Planting States, and some of the Western States, would follow by an almost absolute necessity. Can it be believed that Georgia, Mississippi, Tennessee, and even Kentucky, would continue to pay a tribute of fifty per cent. upon their consumption, to the Northern States, for the privilege of being united to them, when they could receive all their supplies through the ports of South Carolina, without paying a single cent for tribute?

The separation of South Carolina would inevitably produce a general dissolution of the Union; and as a necessary consequence, the protecting system, with all its pecuniary bounties to the Northern States, and its pecuniary burthens upon the Southern States, would be utterly overthrown and demolished, involving the ruin of thousands in the manufacturing States.

By these powerful considerations, connected with their own pecuniary interests, we beseech them to pause and contemplate the disastrous consequences which will certainly result from an obstinate perseverance on their part, in maintaining the protecting system. With them, it is a question merely of pecuniary interest, connected with no shadow of right, and involving no principle of liberty. With us, it is a question involving our most sacred rights—those very rights which our common ancestors left to us as a common inheritance, purchased by their common toils and consecrated by their blood. It is a question of liberty on the one hand, and slavery on the other. If we submit to this system of unconstitutional oppression, we shall voluntarily sink into slavery and transmit that ignominious inheritance to our children. We will not, we cannot, we dare not submit to this degradation, and our resolve is fixed and unalterable that a protecting tariff shall be no longer enforced within the limits of South Carolina. We stand upon the principles of everlasting justice, and no human power shall drive us from our position:

We have not the slightest apprehension that the general government will attempt to force this system upon us by military power. We have warned our brethren of the consequences of such an attempt. But if, notwithstanding, such a course of madness should be pursued, we here solemnly declare that this system of oppression shall never prevail in South Carolina, until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State should be the cemetery of freemen, than the habitation of slaves. Actuated by these principles, and animated by these sentiments, we will cling to the pillars of the temple of our liberties, and if it must fall, we will perish amidst the ruins.

## ADDRESS

## TO THE PEOPLE OF SOUTH CAROLINA.

FELLOW CITIZENS :—

The situation in which you have been placed by the usurpations of the Federal Government, is one which you so peculiarly feel as to render all reference to it at this moment unnecessary. For the last ten years, the subject of your grievances has been presented to you. This subject you have well considered. You have viewed it in all its aspects, bearings, and tendencies, and you seem more and more confirmed in the opinion, expressed by both branches of the Legislature, that the Tariff, in its operations is not only “grossly unequal and unjust, but is such an abuse of power as is incompatible with the principles of a free government, and the great ends of civil society;” and that if persisted in, “the fate of this State would be poverty and utter desolation.” Correspondent with this conviction, a disposition is manifested in every section of the country, to arrest by some means or other, the progress of this intolerable evil. This disposition having arisen, from no sudden excitement, but having been gradually formed by the free and temperate discussions of the Press, there is no reason to believe that it can ever subside, by any means short of the removal of the urgent abuse; and it is under this general conviction, that we have been convened to take into consideration, not only the character and extent of your grievances, but also the mode and measure of redress.

This duty, Fellow Citizens, we have discharged to the best of our judgments, and the result of our deliberations, will be found in the DECLARATION and ORDINANCE just passed by us—founded on the great and undeniable truth, that in all cases of palpable, oppressive, and dangerous infraction of the Federal compact, each State has a right to annul, and to render inoperative within its limits all such unauthorized acts. After the luminous expositions which have been already furnished by so many great minds, that the exercise of this right is compatible with the first principles of our anomalous scheme of government, it would be superfluous here to state at length, the reasons by which this mode of redress is to be sustained. A deference however for the opinions of those of our fellow citizens, who have hitherto dissented from us, demands, that we should briefly state the principal ground upon which we place the right, and the expediency of Nullification

The constitution of the United States, as is admitted by contemporaneous writers, is a compact between sovereign States. Though the subject matter of that compact, was a GOVERNMENT, the powers of which *Government*, were to operate *to a certain extent* upon the people of those sovereign States, *aggregately*, and not upon the State authorities, as is usual in confederacies, still the constitution is a confederacy. First: It is a confederacy, because in its FOUNDATIONS, it possesses not one single feature of *nationality*.—The people of the

separate States, as distinct political communities, *ratified* the constitution, each State acting for itself, and binding its own citizens, and not those of any other State. The act of ratification declares it “to be binding on the *States*, so ratifying. The *States* are its authors—their power created it—their voice clothed it with authority—the Government it formed is in reality *their* Government, and the Union of which it is the bond, is a Union of *States*, and not of individuals.”—Secondly: It is a confederacy, because the EXTENT of the powers of the Government, depends, not upon the people of the United States *collectively*, but upon the State Legislature or on the people of the separate States, acting in their State conventions, each State being represented by a single vote.

It must never be forgotten, that it is to the *creating* and to the *controlling* power, that we are to look for the true character of the Federal Government; for the present controversy is, not as to the SOURCES from which the ordinary powers of the Government are drawn; these are partly *federal* and partly *national*. Nor is it relevant, to consider, upon *whom* those powers operate. In this last view, the Government for *limited* purposes is entirely national. The true question is, who are the parties to the compact? Who created, and who can alter and destroy it. Is it the *States*, or the *People*? This question has been already answered. The *States* as *States* ratified the compact. The people of the United States, collectively, had no agency in its formation. There did not exist then, nor has there existed at any time since, such a political body as the People of the United States. There is not now, nor has there ever been such a relation existing as that of a citizen of New-Hampshire, and a citizen of South Carolina, bound together in the same *Social* compact. It would be a waste of time to dwell longer on this part of our subject. We repeat, that as regards the *foundation* and *extent* of its powers, the Government of the United States, is strictly, what its name implies, a FEDERAL Government, a league between several sovereigns, and in these views, a more perfect confederacy has never existed in ancient or modern times.

On looking into this Constitution, we find that the most important sovereign powers are delegated to the central Government, and all other powers are reserved to the States. A foreign, or an inattentive reader, unacquainted with the origin, progress, and history of the Constitution, would be very apt from the phraseology of the instrument, to regard the States, as having divested themselves of their Sovereignty, and to have become great corporations subordinate to one Supreme Government. But this is an error. The States are as sovereign now, as they were prior to their entering into the compact. In common parlance, and to avoid circumlocution, it may be admissible enough to speak of *delegated* and *reserved* sovereignty. But correctly speaking, Sovereignty is an unit. It is “one, indivisible and unalienable.” It is therefore an absurdity to imagine, that the Sovereignty of the States, is surrendered in *part*, and retained

in *part*. The Federal Constitution is a treaty, a confederation, an alliance by which so many sovereign states, agree, to exercise their sovereign powers *conjointly* upon certain objects of external concern, in which they are equally interested, such as WAR, PEACE, COMMERCE, Foreign Negotiation, and Indian Trade; and upon all other subjects of civil Government, they were to exercise their Sovereignty *separately*. This is the true nature of the compact.

For the convenient conjoint exercise of the sovereignty of the states there must of necessity be some common agency or functionary. This agency is the Federal Government. It represents the confederated States, and executes their joint will, as expressed in the compact. The powers of this government are wholly *derivative*. It possesses no more inherent sovereignty, than an incorporated town, or any other great corporate body—it is a political corporation, and like all corporations, it looks for its powers to an exterior source. That source is the states. It wants that “irresistible, absolute, uncontrolled authority,” without which, according to jurists, there can be no sovereignty. As the states conferred, so the states can take away its powers. All inherent sovereignty, is therefore in the States. It is the MORAL OBLIGATION alone, which each state has chosen to impose upon herself, and not the want of sovereignty, which restrains her from exercising all those powers, which (as we are accustomed to express ourselves) she has surrendered to the Federal Government. The present organization of our Government, as far as regards the *terms* in which the powers of Congress are delegated, in no wise differs from the old confederation. The powers of the old Congress were delegated rather in stronger language, than we find them written down in the new charter, and yet he would hazard a bold assertion, who would say, that the states of the old confederacy, were not as sovereign as Great Britain, France and Russia, would be in an alliance offensive and defensive. It was not the reservation in express terms of the “Sovereignty, Freedom, and Independence of each State” which made them sovereign. They would have been equally sovereign, as is universally admitted, without such a reservation.

We have said thus much upon the subject of sovereignty, because the only foundation upon which we can safely erect the right of a state to protect its citizens, is, that South Carolina by the declaration of independence, became and has since continued a free, sovereign and independent state. That as a sovereign state, she had the *inherent* power to do all those acts, which by the law of nations, any prince or potentate may of right do. That like all independent states, she neither has, nor ought she to suffer any other restraint upon her sovereign will and pleasure, than those high moral obligations, under which all princes and states are bound before God and man, to perform their solemn pledges. The inevitable conclusion from what has been said therefore is, that as in all cases of compact between independent sovereigns, where from the very nature of

things, there can be no common judge or umpire, each sovereign has a right "to judge as well of infractions, as of the mode and measure of redress," so in the present controversy, between South Carolina and the Federal Government, it belongs solely to her, by her delegates in solemn Convention assembled to decide, whether the federal compact be violated, and what remedy the state ought to pursue. South Carolina therefore cannot, and will not yield to any department of the Federal Government, and still less to the Supreme Court of the United States, the creature of a Government, which itself is a creature of the states, a right which enters into the essence of all sovereignty, and without which it would become a bauble and a name.

It is fortunate for the view which we have just taken, that the history of the constitution, as traced through the journals of the convention which framed that instrument, places the right contended for upon the same sure foundation. These journals furnish abundant proof, that "no line of jurisdiction between the states and the Federal Government in doubtful cases," could be agreed on. It was conceded by Mr. Madison and Mr. Randolph, the most prominent advocates for a supreme government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived, could be found, and that there was no alternative, but to make the Federal Government supreme, by giving it, in all such cases, a negative on the acts of the State Legislature. The pertinacity with which this negative power was insisted on by the advocates of a national government, even after all the important provisions of the *judiciary or third article* of the constitution were arranged and agreed to, proves beyond doubt, that the supreme court was never contemplated by either party in that convention, as an arbiter, to decide conflicting claims of sovereignty between the states and congress; and the repeated rejection of all proposals to take from the states the power of placing their own construction upon the articles of Union, evinces, that the states were resolved never to part with the right to judge, whether the acts of the Federal Legislature were not an infringement of those articles.

Correspondent with the right of a sovereign State to judge of the infractions of the Federal compact, is the duty of this Convention to declare the extent of the grievance, and the mode and measure of redress. On both these points, public opinion has already anticipated us, in much that we could urge. It is doubted, whether in any country, any subject has undergone before the people, a more thorough examination than the constitutionality of the several acts of congress for the protection of domestic manufactures. Independent of the present embarrassments they throw into the way of our commerce, and the plain indications, that certain articles which are the natural exchange for our valuable staple products, are sooner or later to be virtually prohibited. Independent of the diminution, which these impost duties cause

in our incomes, and the severity of the tax upon all articles of consumption needed by the poor, they recognize a principle not less at war with the ends for which this great confederacy was formed, than it is with that spirit of justice, and those feelings of concord which ought to prevail amongst states, united by so many common interests and exalted triumphs. The people surely need not to be told, in this advanced period of intellect and of freedom, that no government can be free, which can rightfully impose a tax, for the encouragement of one branch of industry at the expense of all others, unless such a tax be justified by some great, and unavoidable public necessity. Still less can the people believe, that in a confederacy of states, designed principally, as an alliance offensive and defensive, its authors could ever have contemplated, that the federal head should regulate the domestic industry of a widely extended country, distinguished above all others, for the diversity of interests, pursuits and resources in its various sections. It was this acknowledged diversity, that caused the arrangement of a conjoint and separate exercise of the sovereign authority; the one to regulate external concerns, and the other to have absolute control over the lives, liberties and properties of the people, and the internal order, improvement, and prosperity of the States."

It is the striking characteristic in the operation of simple and consolidated government, that it protects manufactures, agriculture, or any other branch of the public industry—that it can establish corporations, or make roads and canals, and patronize learning, and the arts. But it would be difficult to show, that such was the government, which the sages of the convention designed for the States. All these powers were proposed to be given to congress, and they were proposed by that party in the convention, who desired a *firm National Government*. The convention having decided on the *federal* form, in exclusion of the national, all these propositions were rejected; and yet we have lived to see an American Congress, who can hold no power, except by express grant, as fully in the exercise of these powers, as if they were part and parcel of their expressly delegated authority. Under a pretence of regulating commerce, they would virtually prohibit it. Were this regulation of commerce resorted to, as a means of coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other *bona fide* commercial purpose, as has been justly said by our Legislature, the Tariff acts would be constitutional. But none of these acts have been passed as counter-vailing or *retaliatory* measures, for restrictions placed on our commerce by foreign nations. Whilst other nations seem disposed to relax in their restraints upon trade, our Congress seems absolutely bent upon the interdiction of those articles of Merchandize, which are exchangeable for the products of Southern labor, thus causing the principal burthen of taxation to fall upon this portion of the Union, and by depriving us of our accustomed

markets, to impoverish our whole Southern country. In the same manner, and under the pretence of promoting the Internal Improvement of the States, and for other equally unjustifiable and unconstitutional purposes, Congress is in the constant habit of violating those fundamental principles of the constitution, on which alone can rest the prosperity of the States, and the durability of the Union.

It is in vain to imagine, that with a people who have struggled for freedom, and know its inestimable value, that such a state of affairs can be endured longer than there is a well founded hope, that reason and justice will resume their empire in the common council of the confederacy. That hope having expired with the last session of congress, by the present Tariff Act, distinctly and fully recognizing as the permanent policy of the country, the odious principle of protection, it occurs to us, that there is but one course for the State to pursue. That course fellow-citizens is **RESISTANCE**. Not *physical* but **MORAL** resistance—not resistance in an angry, or irritated feeling, but resistance by such counter-legislation, which, whilst it shall evince to the world that our measures are built upon the necessity of tendering to congress an amicable issue, to try a doubtful question, between friends and neighbors, shall at the same time secure us in the enjoyment of our rights and privileges. It matters not, fellow citizens, by what name this counter-legislation shall be designated—call it **NULLIFICATION**, State Interposition, State veto, or by whatever other name you please, still if it be but resistance to an oppressive measure, it is the course which duty, patriotism, and self preservation prescribe. If we are asked, upon what ground we place the right to resist a particular law of congress and yet regard ourselves as a consistent member of the Union, we answer—the ground of the **COMPACT**. We do not choose in a case of this kind, to recur to what are called our natural rights, or the right of revolution. We claim to nullify by a more imposing title. We claim it as a **CONSTITUTIONAL** right, not meaning as some have imagined, that we *derive* the right from the constitution, for derivative rights can only belong to the *functionaries* of the high contracting parties to the constitution, but we claim to exercise it as one of the **PARTIES** to the compact, and as consistent with its letter, its genius and its spirit, it being distinctly understood at the time of ratifying the constitution, that the exercise of all sovereign rights not agreed to be had conjointly, were to be exerted separately by the states. Though it be true, that the provision in favor of what we call the reserved rights of the States, was not necessary to secure to the states such reserved rights, yet the mere circumstances of its insertion in the instrument makes it as clear a *constitutional* provision, as that of the power of congress to raise armies, or to declare war. Any exercise of a right in conformity with a constitutional provision, we conceive to be a *constitutional* right, whether it be founded on an express grant of the right, or it

be included in a general reservation of undefined powers. The constitution being the supreme law, an instrument in which a distribution of powers is made between the Federal Government and the states, it is incumbent on the authorities of each Government, so to shape their legislation as not to overstep the boundaries assigned to them. No act can therefore be done by either Government, which for its *validity* can be referred to any other test, than the STANDARD OF THE CONSTITUTION.

If a State Government passes an act defining and punishing a burglary, or a law abolishing the rights of primogeniture, it is more correct to say, that she is in the exercise of her *Constitutional* than of her *natural* rights, because it is an express *constitutional* provision, that she should exercise all her sovereign rights, not already entrusted to the common functionary of the parties. As it is impossible then that any act can be passed by either government, which if disputed, must not be referred to the constitution as the supreme law of the parties, so a right is constitutional or unconstitutional, as it shall be found to comport with or to be repugnant to the terms or the spirit of that instrument. There is not therefore a sovereign, or a natural right which South Carolina can lawfully exercise in conformity with her engagements, which is not stipulated for in the tenth amendment to the constitution. All such rights stipulated for, must be constitutional. To regard them otherwise would be a perversion of terms.

That Nullification under our reserved rights was regarded as constitutional by the Virginia Resolutions of 1798, is clear from the exposition of them by the celebrated Report, drawn by Mr. Madison. In defending the third of these Resolutions, which asserts the doctrine of State interposition and protection, the Committee say "that they have *scanned* it not merely with a strict, *but with a severe eye*, and they feel confidence in pronouncing, that in its *just and fair construction*, it is unexceptionably *true in its several positions*, as well as CONSTITUTIONAL and conclusive in its *inferences*." What were the positions of the third Resolution? 1st. That the powers of the Federal Government, were limited to the plain sense of the instrument constituting the compact. 2d, That in case of a deliberate, palpable and dangerous infraction of the compact, the State has the right to interpose, &c. Now what is the inference? It is, that "they are in duty bound to arrest the progress of the evil, by maintaining within their RESPECTIVE limits, the authorities, rights and liberties appertaining to them." This inference, says the Report, is "CONSTITUTIONAL and conclusive." The same doctrine was as distinctly affirmed by the Virginia Assembly in their Resolutions adopting the Report. They say "that having fully and accurately re-examined and reconsidered these Resolutions, they find it to be their indispensable duty to ADHERE TO THE SAME as founded in truth, as CONSONANT WITH THE CONSTITUTION, and as CONDUCTIVE TO ITS PRESERVATION."

We are aware that it has been recently maintained, that by the

state interposition referred to in this third resolution, the Virginia Assembly had allusion to the natural right, and Mr. Madison himself has been brought forward to give a construction to this resolution contrary to the most obvious import of the terms. Be it so. Then, if the state interposition here spoken of, be a natural right, it is a right which the Virginia Assembly have pronounced "CONSONANT with the constitution, and as conducive to its preservation." Or in other words, that without the exercise of this natural sovereign right of interposition, the constitution cannot be preserved. There is no incongruity in this. It is quite competent for two monarchs to stipulate in a treaty for that right, which independent of the treaty, would be a natural right, as if a power were conferred by the treaty, on the citizens of either prince, to capture, adjudge and execute all subjects of the other engaged in piracy on the high seas. It certainly would be more proper to call such a right a *conventional* right, than a natural right, though it be both. Several of the state constitutions furnish instances of natural rights being secured by a constitutional provision. Even in the instrument we are now considering, there is a distinct affirmative in terms of a natural right to sovereignty: such as the sovereign right of a state to keep troops and ships of war in a certain emergency, or the sovereign right of a state to lay import and export duties, for the purpose of executing its inspection laws. In these cases, a natural right is also a constitutional right, contrary to the definition of those who maintain that no right is properly constitutional which is a sovereign right—because constitutional rights are derivative rights exercised by functionaries.—That reasoning would be indeed strange, which would place a natural reserved sovereign right, expressed in terms upon a better footing, than all that mass of residuary right, included in the general reservation of the tenth amendment. It would be to create a distinction without a difference. The reserved rights, though undefined, are easily ascertained. Any particular right not found in the enumerated powers of congress, of course belongs to the states.

The right to nullify is universally admitted to be a natural or sovereign right. The natural rights of the States are also admitted to be their reserved rights. If they are reserved, they must be constitutional, because the Constitution being an agreement to arrange the mode by which the States shall exercise their sovereignty, expressly stipulates for the exercise of these powers in all cases not enumerated. To some it may be unimportant upon what basis we place the right of a State to protect its citizens, as counter-legislation would be the beginning of resistance in either case; others may perhaps, justly say, that the whole controversy is resolvable into a dispute as to what is, or is not, the proper definition of a constitutional right. We, however, think it of infinite importance, in urging the right of nullification, to regard it as a *constitutional*, rather than as a natural remedy, because a constitutional proceeding is calculated to give that proceeding a pacific character and a higher

recommendation with the people. The characteristic, in fact, of the American Constitutions in general, is that they sanctify the fundamental principles of the American Revolution. Whilst other nations have to resort to the law of nature, and by force to drive despots from their thrones, thus incurring what amongst them is odiously termed the guilt of rebellion, we here have the incalculable advantage of a thorough understanding amongst all classes, that it is the right, as well as the duty, of a free people, to recur when necessary to their sovereign rights, to resist oppression. Such a sentiment as this becoming familiar to the public mind, acquires prodigious strength, when its spirit is seen to pervade a written Constitution, and prevents rather than accelerates opportunities for an unnecessary recurrence to revolutionary movements. Under such a structure of the public sentiment, when the voice of a sovereign State shall be spoken, "it will be heard in a tone, which virtuous governors will *obey* and tyrannical ones shall dread." Nothing can more reconcile nullification to our citizens, than to know, that if we are not proceeding according to the form of the Constitution, we are nevertheless adhering to its *spirit*. The convention which framed the Constitution could not agree upon any mode of settling a dispute like the present. The case was therefore left unprovided for, under the conviction no doubt, as is admitted by Mr. Hamilton in "The Federalist," that if the Federal Government should oppress the States, the State governments would be ready to check it, by virtue of their own inherent sovereign powers. "It may safely be received as an *AXIOM in our political system* (says Mr. Hamilton,) that the *State Governments will, in all possible contingencies, afford COMPLETE SECURITY* against invasion of the public liberty by the *national authority*. *Projects of usurpation cannot be marked under pretences* so likely to escape the penetration of *select bodies* of men, as of the people at large.—The LEGISLATURE will have better means of information—They can discover the danger at a distance; and, *possessing all the organs* of CIVIL POWER, and the confidence of the people, they can at once adopt a REGULAR PLAN OF OPPOSITION, in which they can *combine all the resources of the community.*"

The measure cannot be revolutionary, which is adopted, not with a view to resort to force, but by some decisive measures, to call the attention of the co-States to a disputed question in such a form as to compel them to decide what are or are not the rights of the States, in a case of a palpable and dangerous infraction of those fundamental principles of liberty in which they all have an interest.

In the exercise of the right of Nullification, we are not unmindful of the many objections which have been urged against it. That it may embarrass the present majority in Congress, who are fatally bent upon building up the sectional interests of their constituents, upon the ruin of our commerce, we can readily imagine; but these embarrassments, on examination, will be found to proceed rather

from an unwillingness on their part to adjust the controversy on principles of reason and justice, than from any real difficulty existing in the Constitution.

The provisions of the Constitution are ample for taking the sense of the States on a question, more important than any which has occurred since the formation of the Government—But if the spirit of justice departs from the councils, to which we have a right to look up as the guardians of the public peace, no provisions of human wisdom can avail—We have heard much of the danger of suffering one State to impede the operations of twenty-three States : but it must be obvious to every considerate man, that the danger can only exist where a State is wrong. But if the people of any one State are *right* in the principles for which they contend, it is desirable that they should impede the operations of Congress, until the sentiments of its co-States shall be had. A higher eulogy could not be bestowed upon our system, than the power of resorting to some conservative principle, that shall stay a disruption of the league. It is no argument to say that a State may have no grounds on which to place herself upon her sovereign rights. This is a possible, but by no means a probable case. Experience has given us a most instructive lesson on this very subject—it has taught us that, the danger is not that a State may resort to her sovereign rights too often, but that it will not avail herself of them when necessary. Look, fellow citizens, to our State :—for ten years we have petitioned and remonstrated against the unconstitutionality of the Tariff acts, and tho' the conviction has been universal that the effect of the system would be ruinous to our interests, yet the difficulty has been great, to bring the people to the resisting point.

And so with other objections. It has been maintained by us, that according to the philosophy of the government, and the true compact, it becomes Congress in all emergencies like the present, to solicit from the States, the call of a Convention.—That upon such a convocation, it should be incumbent on the States claiming the doubtful power, to propose an amendment to the Constitution, giving the doubtful power, and on failure to obtain it by consent of three-fourths of all the States, to regard the power as never having been intended to be given. We must not be understood to say, that this was matter even of implied stipulation, at the formation of the compact. The Constitution is designedly silent on the subject, on account of the extreme difficulty in the minds of its framers of appointing a mode of adjusting these differences. This difficulty we now discover was imaginary. It had its source in apprehensions, which an experience of upwards of forty years has proved to be without the shadow of a foundation.—Many of the sages of that day, were dissatisfied with their work for a reason, which is the very opposite of the truth. They feared, not that the General Government would encroach upon the rights of the States, but that the States would perpetually be disposed to pass their boundaries of power, and

finally destroy the confederation. Had they been blessed with the experience which we have acquired, there could have been no objection to trusting the States, who created the Government, and who would not wilfully embarrass it, with a veto under certain modifications. It seems but reasonable, that a *disputed* power, which it would have required three-fourths of the States to *add* to the Constitution, ought not to be insisted on by a majority in Congress, as impliedly conferred, if more than one-fourth should object to it. To deny this would be to decide finally the validity of a power by a positive majority of the people at large, instead of a concurring majority of the States. There is, it is true one objection, and only one to this view, and that is, that under this theory, a majority little beyond the three-fourths, as for instance seven States out of twenty-four might deprive Congress of powers which have been expressly delegated. The answer to this is, that it would be a very extreme case for a single State to claim the resumption of a power, which it had clearly delegated in *positive* terms. But it seems almost beyond the range of possibility, that six other States should be found to sustain a Nullifying State in such a pretension. Should such a case ever occur, as one-fourth and upwards of the States resolving to break their pledges, without the slightest pretence, it would shew, that it was time to dissolve the league. If a spirit of friendship and fair dealing, cannot bind together the members of this Union, the sooner it is dissolved the better. So that this objection is rather nominal, than substantial. But the evil of this objection is, that whilst its admission would relieve us from an imaginary peril, we should be plunged into that certain danger of an unrestricted liberty of Congress to give us instead of a confederated government, a government without any limitation upon its power than the will of a majority.

Other objections have been urged against Nullification. It is said that the President or Congress might employ the military and naval force of the United States to reduce the Nullifying State into obedience, and thus produce a civil dissension amongst the members of the confederacy. We do not deem it necessary in a community so conversant with this part of the subject as that of South Carolina, to recapitulate the arguments which have been urged against such an improbable course, both for the want of power, and on the ground of expediency. But we cannot pass over one view, which we think sufficient to quiet all appresension on that score. We live in an age of reason and intellect. The idea of using force on an occasion of this kind, is utterly at variance with the genius and spirit of the American people. In truth, it is becoming repugnant even to the genius and spirit of the governments of the old world. We have lately seen in England one of the greatest reforms achieved, which her history records—a reform which her wisest statesmen twenty years ago, would have predicted could not be accomplished without civil war brought about by a bloodless revolu-

tion. The cause is manifest. Not only are the people every where better informed, but such is the influence which public opinion exerts over constituted authorities, that the rulers of this earth are more swayed by reason and justice than formerly. Under such evident indications of the march of mind and intellect, it would be to pay but a poor compliment to the people of these States, to imagine, that a measure taken by a Sovereign State, with the most perfect good feeling to her confederates, and to the perpetuity of the Union, and with no other view than to force upon its members, the consideration of a most important constitutional question, should terminate otherwise than peaceably.

Fellow-Citizens, it is our honest and firm belief, that Nullification will preserve, and not destroy this Union. But we should regret to conceal from you that if Congress should not be animated with a patriotic and liberal feeling in this conjuncture, they can give to this controversy what issue they please. Admit then that there is a risk of a serious conflict with the Federal Government. We know no better way to avoid the chance of hostile measures in our opponents, than to evince a readiness to meet danger, come from what quarter it will. We should think that the American Revolution was indeed to little purpose, if a consideration of this kind, were to deter our people from asserting their sovereign rights. That revolution it is well known was not entered into by our Southern ancestors from any actual oppression, which the people suffered. It was a contest waged for PRINCIPLES, emphatically for principle. The calamities of revolution, strife and civil war, were fairly presented to the illustrious patriots of those times, which tried the souls of men. The alternative was either to remain dependant colonies in hopeless servitude, or to become free, sovereign and independent States—To attain such a distinguished rank amongst the nations of the earth, there was but one path, and that the path of glory—the crowning glory of being accounted worthy of all suffering, and of embracing all the calamities of a protracted war abroad, and of domestic evils at home, rather than to surrender their liberties. The result of their labors is known to the world, through the flood of light which that revolution has shed upon the science of government, and the rights of man—in the “LESSON it has taught the oppressor, and in the EXAMPLE it has afforded to the oppressed!”—in the invigoration of the spirit of freedom every where, and in the amelioration it is producing in the social order of mankind.

Inestimable are the blessings of that well regulated freedom, which permits man to direct his labors and his enterprise to the pursuit or branch of industry for which he conceives nature has qualified him, unmolested by avarice enthroned in power. Such was the freedom for which South Carolina struggled when a dependant colony. Such is the freedom for which she once tasted as the first fruit of that revolutionary triumph which she assisted to achieve. Such is the freedom she reserved to herself on entering


into the league. Such is the freedom of which she has been deprived, and to which she must be restored, if her commerce be worth preserving, or the spirit of her Laurens and her Gadsden has not fled forever from our bosoms. It is in vain to tell South Carolina that she can look to any administration of the Federal Government for the protection of her sovereign rights or the redress of her southern wrongs. Where the fountain is so polluted, it is not to be expected that the stream will again be pure. The protection to which in all representative governments the people have been accustomed to look, to wit, the responsibility of the governors to the governed, has proved nerveless and illusory—under such a system, nothing but a radical reform in our political institutions can preserve this Union. It is full time that we should know what rights we have under the Federal Constitution, and more especially ought we to know whether we are to live under a consolidated government, or a confederacy of States—whether the States be sovereign, or their local Legislatures be mere corporations. **A FRESH UNDERSTANDING OF THE BARGAIN WE DEEM ABSOLUTELY NECESSARY.** No mode can be devised by which a dispute can be referred to the source of all power, but by some one State taking the lead in the great enterprize of reform. Till some one Southern State tenders to the Federal Government an issue, it will continue to have its “appetite increased by what it feeds on.” History admonishes us that rulers never have the forecast to substitute in good time, reform for revolution. They forget that it is always more desirable that the just claims of the governed should break in on them, “through well contrived and well disposed windows, not through flaws and breaches, through the yawning chasm of their own ruin.” One State must under the awful prospects before us, throw herself into the breach in this great struggle for constitutional freedom. There is no other mode of awakening the attention of the co-States to grievances which if suffered to accumulate, must dismember the Union. It has fallen to our lot, fellow-citizens, first to quit our trenches. Let us go on to the assault with cheerful hearts and undaunted minds.

Fellow-citizens, the die is now cast. We have solemnly resolved on the course which it becomes our beloved State to pursue—we have resolved that until these abuses shall be reformed, **“NO MORE TAXES SHALL BE PAID HERE.”** “Millions for defence but not a cent for tribute.” And now we call upon our citizens, native and adopted, to prepare for the crisis, and to meet it as becomes men and freemen. We call upon all classes and all parties to forget their former differences, and to unite in a solemn determination never to abandon this contest until such a change be effected in the councils of the nation, that all the citizens of this confederacy shall participate equally to the benefits and the burthens of the Government.—To this solemn duty we now invoke you in the name of all that is sacred and valuable to man. We invoke you in the name of that **LIBERTY** which has been acquired by you from an illustrious ances-

try, and which it is your duty to transmit unimpaired to the most distant generations. We invoke you in the name of that CONSTITUTION which you profess to venerate, and of that UNION which you are all desirous to perpetuate. By the reverence you bear to these your institutions—by all the love you bear to liberty—by the detestation you have for servitude—by all the abiding memorials of your past glories—by the proud association of your exalted and your common triumphs in the first and greatest of revolutions—by the force of all those sublime truths which that event has inculcated amongst the nations—by the noble flame of republican enthusiasm which warms your bosoms, we conjure you in this mighty struggle to give your hearts and souls and minds to your injured and oppressed State, and to support her cause publicly and privately, with your opinions, your prayers and your actions.

If appeals such as these prove unavailing, we then **COMMAND YOUR OBEDIENCE** to the laws and the authorities of the State by a title which none can gainsay. We demand it by that allegiance, which is reciprocal, with the protection you have received from the State. We admit of no obedience to any authority, which shall conflict with that primary allegiance, which every citizen owes to the State of his birth or his adoption. There is not, nor has there ever been “any *direct* or *immediate* allegiance between the citizens of South Carolina and the Federal Government. The relation between them is through the State.” South Carolina having entered into the Constitutional compact, as a separate, independent, political community, as has already been stated, has the right to declare “an unconstitutional act of Congress, null and void—after her sovereign declaration that the act shall not be enforced within her limits, such declaration is obligatory on her citizens. As far as its citizens are concerned, the clear right of the State is to declare the extent of the obligation.” This declaration once made, the citizen has no course, but **TO OBEY**. If he refuses obedience, so as to bring himself under the displeasure of his only and lawful sovereign, and within the severe pains and penalties, which by her high sovereign power, the Legislature will not fail to provide in her self defence, the fault, and the folly must be his own.

And now fellow citizens, having discharged the solemn duty, to which we have been summoned, in a crisis big with the most important results to the liberties, peace, safety, and happiness of this once harmonious but now distracted confederacy, we commend our cause to that great disposer of events, who (if he has not already for some inscrutable purposes of his own, decreed otherwise) will smile on the efforts of truth and justice. We know that “unless the Lord keepeth the city, the watchmen watcheth but in vain;” but relying as we do in this controversy, on the purity of our motives and the honor of our ends, we make this appeal with all the confidence, which in times of trial and difficulty, ought to inspire the breast of the patriot and the christian. Fellow citizens, **DO YOUR DUTY TO YOUR COUNTRY, AND LEAVE THE CONSEQUENCES TO GOD.**

 The Author of the **Exposition**, introductory to the Ordinance, is said to be Gen. Robert Y. Hayne; of the Address to the People, George McDuffie, Esq.; of the Address to the People of South Carolina, Robert J. Turnbull, Esq.

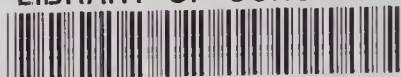
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